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**JOURNAL**

OF THE

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2004  
SEVENTH BIENNIAL SESSION Pat 17

OF THE

**SENATE**

OF THE

**STATE OF ALABAMA,**

**SESSION OF 1859-'60,**

HELD IN THE

**CITY OF MONTGOMERY.**

25.8  

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**WITH AN INDEX,**  
**PREPARED BY THE SECRETARY OF STATE.**  

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**MONTGOMERY:**  
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# JOURNAL.

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MONTGOMERY, ALABAMA, }  
November 14, 1859. }

This being the second Monday, in the year one thousand eight hundred and fifty-nine, the day fixed by law for the meeting of the General Assembly of the State of Alabama, the Senate assembled in the Senate Chamber of the State Capitol.

Mr. Rowe, of Tallapoosa, was called to the chair, and Mr. Watkins Phelan, requested to act as Secretary, *pro tem*. The Senators elect were qualified and took their seats. The roll of Senatorial Districts being called, the following members were found in attendance:

From the District composed of the county of

1. *Mobile*—T. L. Toulmin.
2. *Baldwin, Monroe and Clarke*—S. B. Cleveland.
3. *Coffee, Covington and Conecuh*—Daniel H. Horn.
4. *Dale and Henry*—W. Wood.
5. *Barbour*—E. C. Bullock.
6. *Pike*—Edward L. McIntyre.
7. *Russell*—A. B. Griffin.
8. *Macon*—William P. Chilton.
9. *Montgomery and Autauga*—Adam C. Felder.
10. *Dallas and Wilcox*—J. M. Calhoun.
11. *Sumter, Choctaw and Washington*—William Woodward.
12. *Greene and Marengo*—Allen C. Jones.
13. *Perry and Bibb*—J. F. Cocke.
14. *Lowndes and Butler*—T. J. Burnett.
15. *Coosa*—George E. Brewer.
16. *Tallapoosa*—John Rowe.
17. *Chambers*—Robert Mitchell.
18. *Randolph*—Robert S. Heflin.
19. *Talladega*—George Hill.
20. *Calhoun*—Thomas A. Walker.
21. *Jefferson and Shelby*—H. W. Nelson.
22. *Tuscaloosa*—R. Jemison, Jr.



23. *Pickens*—L. M. Stone.
24. *Marion and Fayette*—E. P. Jones.
25. *Franklin*—William M. Jackson.
26. *Lawrence, Winston and Walker*—O. H. Bynum.
27. *Blount and St. Clair*—F. W. Staton.
28. *Cherokee*—S. K. McSpadden.
29. *Marshall and DeKalb*—R. W. Higgins.
30. *Jackson*—William A. Austin.
31. *Madison*—William Fleming.
32. *Limestone and Morgan*—John D. Rather.
33. *Lauderdale*—R. M. Patton.

W. J. B. Padgett was appointed Doorkeeper, *pro tem*, and the Senate then proceeded to the election of a President.

Mr. Patton placed in nomination the Hon. John D. Rather, of Morgan.

Mr. Rather having received thirty-one votes, being the whole number cast, was declared duly elected President of the Senate for the present session.

On motion of Mr. Patton, the chair appointed Messrs. Calhoun, Patton and Jones, of Greene, a committee to inform Mr. Rather of his election. Mr. Rather was conducted to the chair, was qualified, and entered upon the duties of the office.

The Senate then proceeded to the election of a Secretary. Micah Taul, of Talladega, John F. Warren, of Tuscaloosa and J. G. Stokes, of Tallapoosa, were placed in nomination.

Those who voted for Mr. Taul are—Messrs. President, Austin, Brewer, Fleming, Higgins, Hill, Jones, of Fayette, McSpadden, Nelson, Patton, Toulmin, Walker, Woodward.—13.

Those who voted for Mr. Stokes are—Messrs. Bynum, Calhoun, Cleveland, Felder, Heflin, Horn, Mitchell, Rowe, Staton, Wood.—10.

Those who voted for Mr. Warren are—Messrs. Bullock, Chilton, Cocke, Jackson, Jemison, Jones, of Greene, McIntyre, Stone.—8.

Neither candidate having received a majority, the Senate proceeded to ballot a second time.

Those who voted for Mr. Taul are—Messrs. President, Austin, Brewer, Fleming, Higgins, Hill, Jones, of Fayette, McSpadden, Nelson, Patton, Toulmin, Walker, Woodward.—13.

Those who voted for Mr. Stokes are—Messrs. Bynum, Calhoun, Cleveland, Felder, Griffin, Heflin, Horn, Mitchell, Rowe, Staton, Wood.—11.

Those who voted for Mr. Warren are—Messrs. Bullock, Chilton, Cocke, Jackson, Jemison, Jones, of Greene, McIntyre, Stone.—8.

Neither candidate having received a majority, the Senate proceeded to ballot a third time.

Those who voted for Mr. Taul are—Messrs. President, Austin, Brewer, Calhoun, Fleming, Griffin, Higgins, Hill, Jones, of Fayette, McSpadden, Nelson, Patton, Toulmin, Walker, Woodward.—15.

Those who voted for Mr. Stokes are—Messrs. Bynum, Cleveland, Felder, Heflin, Horn, Mitchell, Rowe, Staton, Wood.—9.

Those who voted for Mr. Warren are—Messrs. Bullock, Chilton, Cocke, Jackson, Jemison, Jones, of Greene, McIntyre, Stone.—8.

Neither of the candidates having received a majority of the votes, the Senate proceeded to ballot a fourth time.

Those who voted for Mr. Taul are—Messrs. President, Austin, Brewer, Calhoun, Fleming, Griffin, Higgins, Hill, Jones, of Fayette, McSpadden, Nelson, Patton, Toulmin, Walker, Wood, Woodward.—16.

Those who voted for Mr. Stokes are—Messrs. Bynum, Cleveland, Felder, Heflin, Horn, Mitchell, Rowe, Staton.—8.

Those who voted for Mr. Warren are—Messrs. Bullock, Chilton, Cocke, Jackson, Jemison, Jones, of Greene, Stone.—8.

Neither of the candidates having received a majority of the votes, the Senate proceeded to ballot a fifth time.

Those who voted for Mr. Taul are—Messrs. President, Austin, Brewer, Calhoun, Cleveland, Fleming, Griffin, Higgins, Hill, Jones, of Fayette, McSpadden, Nelson, Patton, Toulmin, Walker, Wood, Woodward.—17.

Those who voted for Mr. Stokes are—Messrs. Bynum, Felder, Heflin, Horn, Mitchell, Rowe, Staton.—7.

Those who voted for Mr. Warren are—Messrs. Bullock, Chilton, Cocke, Jackson, Jemison, Jones, of Greene, McIntyre, Stone.—8.

Mr. Taul having received a majority of the votes cast, was declared elected Secretary of the Senate for the present session, was qualified, and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of an Assistant Secretary.

Mr. Higgins placed in nomination the name of William J. Roberts, of DeKalb county.

Mr. Roberts having received thirty-two votes, the whole number cast, he was declared duly elected Assistant Secretary for the present session, was qualified, and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of a Doorkeeper.

Mr. Austin placed in nomination the name of W. J. B. Padgett, of Jackson county.

Mr. Padgett having received thirty-two votes, being the whole number cast, was declared duly elected Doorkeeper of the Senate for the present session, and entered upon the discharge of the duties of the office.

Mr. Horn introduced the following resolution :

*Resolved*, That the editors of newspapers and periodicals are invited within the bar of Senate, and be furnished with seats and table, with a view to reporting for their respective papers.

Mr. McSpadden offered the following resolution as a substitute :

*Resolved*, That the editors and reporters of newspapers and periodicals have leave to come within the bar of the Senate, and be furnished with seats and tables for the purpose of reporting for their respective papers.

The resolution was then adopted as amended.

Mr. Chilton introduced the following resolution :

That the President appoint the following standing committees for the session :

A Committee on the Judiciary.

|   |   |   |                                               |
|---|---|---|-----------------------------------------------|
| " | " | " | Banks and Banking.                            |
| " | " | " | Privileges and Elections.                     |
| " | " | " | Federal Relations.                            |
| " | " | " | Propositions and Grievances.                  |
| " | " | " | Sixteenth Section and Sixteenth Section Fund. |
| " | " | " | Education.                                    |
| " | " | " | Divorce and Alimony.                          |
| " | " | " | Retrenchment.                                 |
| " | " | " | Accounts and Claims.                          |
| " | " | " | Penitentiary.                                 |
| " | " | " | Agriculture.                                  |
| " | " | " | County Boundaries.                            |
| " | " | " | State Printing.                               |
| " | " | " | Roads, Bridges and Ferries.                   |
| " | " | " | The Military.                                 |
| " | " | " | Enrolled Bills.                               |
| " | " | " | The State Capitol.                            |
| " | " | " | Finance and Taxation.                         |
| " | " | " | The State Bank and Branches.                  |
| " | " | " | Inland Navigation and Inland Improvements.    |
| " | " | " | Corporations.                                 |

On motion of Mr. Patton,

*Resolved*, That in pursuance of section thirty-six of the Code, the President appoint a committee of three, to act with a like committee to be appointed by the House of Representatives, to examine the offices of Controller and Treasurer.

Which was adopted, and the President appointed Messrs. Patton, Jones, of Greene, and Chilton, the committee.

On motion of Mr. Felder,

*Resolved*, That the Senate appoint a committee of two, to act with a like committee on the part of the House of Representatives, whose duty it shall be to state an account between the State of Alabama and the two and three per cent. funds, which account shall show the amount received, also any and what disposition has been made of any portion of said funds, and report the same to their respective bodies.

Whereupon the President appointed Messrs. Felder and said committee.

On motion of Mr. McSpadden,

*Resolved*, That the Secretary of the Senate be requested to inform the House that the Senate has organized by the election of Hon. John D. Rather, of Morgan and Limestone, as President; Micah Taul, of Talladega, as Principal Secretary; William J. Roberts, of DeKalb, as Assistant Secretary, and W. J. B. Padgett, of Jackson, as Doorkeeper, and are now ready to proceed to business.

On motion of Mr. Calhoun,

*Resolved*, That a committee of three be appointed to prepare and report rules for the government of the Senate.

Whereupon the President appointed Messrs. Calhoun, Jemison and Rowe said committee.

On motion of Mr. Rowe,

*Resolved*, That the rules of order adopted at the last session of the Senate, as the same were modified and amended by that body, be, and the same are hereby adopted for the government of this body until otherwise ordered.

On motion of Mr. McSpadden,

*Resolved*, That a committee of three be appointed by the Senate, to act with a like committee on the part of the House, for the purpose of reporting rules for the government of the two houses when in joint convention.

Whereupon the President appointed Messrs. McSpadden, Bullock and Bynum, as said committee.

On motion of Mr. McSpadden,

*Resolved*, That a committee of three be appointed on the part of the Senate, to co-operate with a like committee on the part

of the House, to inform the Governor that the two houses have organized, and are now ready to receive any communication he may make.

Whereupon the President appointed Messrs. McSpadden, Jackson and Brewer as said committee.

The Senate then adjourned until to-morrow morning 10 o'clock.

SENATE CHAMBER, November 15, 1859.

The Senate met pursuant to adjournment.

The President laid before the Senate the following communication:

MONTGOMERY, November 15, 1859.

*Hon. J. D. Rather, President of the Senate:*

Sir: I have the honor to inform you, that the "Montgomery True Blues," will form in front of the "Montgomery Hall," at 11 o'clock, A. M., to escort your honorable body to the fair grounds.

Your obedient servant,

JAS. T. HOLTZCLAW,  
Lieut. Commanding.

On motion of Mr. Jones, of Greene, the invitation was accepted.

The Senate then adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, November 16, 1859.

The Senate met pursuant to adjournment.

The President having announced that a quorum was not present,

Mr. Rowe moved for a call of the roll, which was lost.

At ten minutes past 9 o'clock a quorum having appeared, the Senate proceeded to business.

Mr. Toulmin introduced a bill for the relief of W. J. Kennedy.

Mr. Jones, of Greene, introduced a bill for the relief of Wm. O. Massey.

Mr. Brewer introduced a bill to amend section 43 of the Code.

Which were severally read a first time and ordered to a second reading.

Mr. Rowe introduced a bill to be entitled an act, for the benefit of the estate of P. A. Wise, deceased, which was read a first and second times, and referred to a select committee, consisting of Messrs. Bullock, Chilton and Stone.

Mr. Jemison introduced a bill, to be entitled, an act to incor-

porate the Western Bank of Alabama, which was read a first time and ordered to a second reading:

Mr. Jemison introduced a memorial of certain citizens of Tuscaloosa county, which was read first and second times, and referred to the judiciary committee.

On motion of Mr. Bullock,

*Resolved*, (The House of Representatives concurring,) 'That the two houses will meet in joint convention in the hall of the House of Representatives, on Thursday, the 17th inst., at half past 10 o'clock, for the purpose of electing a State printer, as required by law.

Ordered to be sent forthwith to the House.

On motion of Mr. Cocke, the Senate took an informal recess until half past 10.

At half past 10 o'clock the President called the Senate to order.

Mr. Horn asked leave of absence for Mr. Griffin, which was granted.

The President laid before the Senate the following communication.

MONTGOMERY, Ala., Nov. 15, 1859.

*To the President of the Senate:*

I herewith enclose a copy of the official report required from this office, for the two fiscal years ending 3d September last.

The two thousand copies authorized to be printed for the use of the General Assembly, by the act of February 3d, 1858, are now ready for delivery, under the direction of the two houses.

Very respectfully, your ob't. ser't.,

WILLIAM GRAHAM,  
State Treasurer.

Hon. J. D. RATHER, President of the Senate.

On motion of Mr. Patton, the report was referred to the joint committee appointed by the Senate to examine into the condition of the offices of Controller and Treasurer, consisting of Messrs. Patton, Jones, of Greene, and Chilton.

The President laid before the Senate the following communication :

MONTGOMERY, Nov. 16, 1859.

*Hon. John D. Rather, President of the Senate:*

Herewith I enclose the biennial report required by law from this office, for the two fiscal years ending with the 3d day of September, 1859.

The two thousand copies thereof authorised to be printed by

the act of the 3d February, 1858, are now ready for delivery, as the two houses may direct.

Very respectfully, your ob't. ser't.,

W. J. GREENE, Controller.

It was then referred to the joint committee appointed by the Senate to examine into the condition of the offices of the Controller and Treasurer, consisting of Messrs. Patton, Jones, of Greene, and Chilton.

On motion of Mr. McSpadden,

*Resolved*, That a committee of three be appointed by the President, to call on the clergymen of the several churches of this city, and request them to be in attendance each morning of this session to open the meeting of the Senate with prayer.

The President appointed Messrs. McSpadden, Patton and Woodward as said committee.

On motion of Mr. Bullock,

*Resolved*, (The House of Representatives concurring,) That a joint committee, composed of one Senator and one Representative from each judicial circuit be appointed to consider the expediency of re-organizing the judicial circuits, and creating one or more additional judicial circuits, with leave to report by bill or otherwise.

Whereupon the President appointed Messrs. Bullock, Cocke, Calhoun, Jemison, Bynum, McSpadden, Cleveland, Stone and Chilton as said committee.

Message from the House by Mr. Elmore:

"HOUSE OF REPRESENTATIVES, Nov. 16, 1859.

"Mr. President: The House of Representatives have passed the following resolutions:

*Resolved*, That the clerk inform the Senate, that the House of Representatives has organized by the election of A. B. Meek, Speaker; Albert Elmore, Principal Clerk; S. B. Brewer, Assistant Clerk; C. C. Carden, Engrossing Clerk, and John H. Crawford, Doorkeeper, and is now ready to proceed to business.

*Resolved*, That a committee of three be appointed on the part of the House of Representatives, to co-operate with a like committee on the part of the Senate, to inform the Governor that the two houses have organized and are now ready to receive any communication he may have to make.

"Messrs. Smith, of Lauderdale, Clitherall and Hearin, of Clarke, composed said committee."

Mr. McSpadden, from joint committee to wait on the Governor and inform him of the organization of the two Houses, reported that the committee had discharged that duty, and that

the Governor would make a communication to the two houses forthwith.

Message from the Governor by Mr. Watkins Phelan:

*Gentlemen of the Senate*

*and House of Representatives:*

The Constitution provides that the Governor "shall, from time to time, give to the General Assembly information of the state of the Government, and recommend to their consideration such measures as he may deem expedient."

Before proceeding to the discharge of this duty, I must congratulate you on the favorable auspices under which you have assembled. A beneficent Providence has smiled upon our State for the two last years. The people have been exempt from pestilence and famine, and blessed with two abundant harvests; and general prosperity prevails in every branch of business throughout our great State. You have met, then, under circumstances calculated to contribute greatly to sound and practical legislation. You have no financial panic, commercial pressure, or undue excitement, upon any subject, calculated to disturb your deliberations. You may, therefore, reasonably expect that your session will be short, your labors pleasant and beneficial to the State.

It will be my pleasure, as well as duty, to co-operate with you in all matters of legislation, calculated to promote the public interests.

## FINANCES.

By reference to the report of the Treasurer, it will be seen that on the 30th of September, 1859, there remained in the treasury, after making all the disbursements required by law, and after burning the bills of the State Bank and Branches, as required by an act of the last Legislature, six hundred and thirty one thousand, six hundred and seventy-nine dollars.

The report shows that our State finances are in a healthy condition, and that with prudence and economy, we shall be able to discharge our indebtedness without an increase of taxes.

The bonds of the State, now outstanding, amount to \$3,482,000 of which amount \$1,964,000 will mature in May, 1863. It will be optionary with the State to pay, or extend these bonds at maturity. Not doubting that it is the true policy of Alabama, to free herself from all indebtedness on her outstanding bonds, at as early day as practicable, I recommend that the Legislature, at its present session, take the necessary steps to



provide means for their punctual payment as they become due. Upon an examination of the reports of the Controller and Treasurer, it appears that the present revenue laws, if undisturbed, will produce a fund sufficient, in due time, to meet these payments. In this estimate, is included the amount now in the treasury, the North Carolina and Virginia bonds, and the debt that will be due from the Mobile and Ohio Rail Road Company. If it be the will of the present Legislature, that this debt should not be extended, provision must be made for its payment. It cannot, safely, be postponed for the action of the next Legislature.

The propriety of reducing the taxes was, to some extent, discussed during the late canvass. It is to be hoped, that no effort for this purpose will be made. It is clear, that any material reduction of the revenue arising from taxation, or any large appropriations from the treasury for other purposes, will force upon the State the necessity of extending the debt referred to. After this debt is extinguished, a heavy reduction of taxes may, and should be made.

For more accurate and specific information, on this subject, I refer you to the reports of those two faithful public officers, the Controller and Treasurer.

### STATE BANK AND BRANCHES.

Under the authority of an act, approved February 6, 1853, an attorney was appointed by me, for the State Bank and each of the Branches. The aggregate amount paid into the treasury by them, was \$36,749,23, on 30th September, 1859.

The following sums were paid by the different banks:

|                             |           |
|-----------------------------|-----------|
| State Bank.....             | \$990 73  |
| Branch Bank at Decatur..... | 2,488 46  |
| “ “ “ Huntsville.....       | 382 93    |
| “ “ “ Montgomery.....       | 6,988 24  |
| “ “ “ Mobile.....           | 25,898 87 |

The result shows, that there is no necessity for keeping up the present system of winding up the affairs of any of these banks, except the Branch at Mobile. From the amount collected and secured by Mr. H. B. Holcombe, the attorney for that Bank, and the information received from him, in regard to the remaining assets, I am of opinion, that the present law should be continued as to that institution. The bad and doubtful debt, yet unsettled, is very large, and the attorney who has, for many years been connected with the Bank, first as Cashier, and afterwards as Commissioner under Mr. Lyon, and Mr. Whiting, in-

forms me that he is satisfied the State can realize more money from these debts, under the present law, than by a sale of the unsettled claims. His integrity, and his knowledge of the character of the debtors to that institution, entitle his opinion to much weight.

It is difficult to determine what is the best course to be pursued in regard to the remaining effects of the other Banks. The attorneys, with all their vigilance, and the stimulant of fifty per cent. commissions on the bad and doubtful debts, have collected but very small amounts. This may be taken as the highest evidence, that but little more can be realized from these claims. I doubt the policy of selling the unsatisfied judgments in favor of these banks, as it may originate much unprofitable litigation, and cause some good men to pay debts a second time. But as no better plan for making a final disposition of these effects, presents itself to my mind, I suggest that the unsatisfied claims of each of said banks, the Mobile Branch excepted, be sold in January, 1861, at public outcry, for cash, after giving three months notice of the time and place of sale. The sale of the assets of each bank should be made at the place of its location. The law should carefully protect the State from all costs and damages created in enforcing the collection of debts sold. It is further recommended, that such books of the banks, as it may be necessary to preserve, be transferred, after such sale, to the office of the Controller, for safe keeping and reference. Should the purchasers of claims desire transcripts from these books, the Controller should be authorized and required to give them, upon being paid by the applicant the usual fees for such services, and such transcripts properly certified, should be made evidence of the contents of the books.

### CENTRAL AND COMMERCIAL BANKS.

The Central and Commercial Banks promptly and strictly complied with the conditions imposed on them by the act legalizing their suspension of specie payments, and resumed the payment of specie on the 1st day of July, 1858.

This act enabled them to do much for the relief of the pressure that then existed—by the extension of debts, and furnishing means to purchase the crop of cotton then in market.

## EASTERN BANK OF ALABAMA.

This institution after complying with all the prerequisites imposed by its charter, was authorized to commence banking, and is now in successful operation. It is to be hoped that the currency of this bank will entirely relieve the people in the South-Eastern counties of Alabama from the necessity of receiving and circulating the notes of the banks of other States. So long as we have banks of our own, they should furnish the paper circulation of the State. Public policy demands it, and it is necessary for the better security of our citizens. The legislation of the State should be such as to exclude, if possible, from circulation, the notes of foreign banks within her limits.

## JUDICIARY.

Since the last session of the General Assembly, the Hon. Samuel F. Rice, Chief Justice of the Supreme Court, resigned his office, and the Hon. Richard W. Walker was appointed to fill the vacancy thus occasioned. He entered upon the discharge of his duties on the 26th day of January, 1859. It gives me pleasure to be able to say, that his appointment has given general satisfaction, and that he has shown himself to be an able and faithful judge. His commission expires at the close of the session of the Legislature. It, therefore, devolves upon you to elect a judge to fill the vacancy that will be then created.

I deem it my duty to call your attention to the inadequacy of the salaries, of the Supreme and Circuit Court Judges and Chancellors. When the present salaries were fixed by law they were considered reasonable and just. Since that time most of the expenses to which the judges are compelled to submit, have greatly increased, without any diminution of their labors. The effect of this has been to drive from the Supreme and Circuit Court benches, some of our most able and faithful judges.

Within a few years past Judges Dargon, Gibbons, Chilton, Goldthwaite and Rice, of the Supreme Court, and Judges Pettus and Brooks, of the Circuit Court, have resigned their offices.

Not a single judge is now upon the Supreme Court bench, who presided five years since. Permanency in that Court is much to be desired; it is a court of the last resort, and its decisions are as much the laws of the land, as the statutes enacted by the Legislature. It finally settles the rights of persons and property in a large number of cases. It is therefore, of the highest importance, that their decisions should be overruled as seldom as possible. It is frequently better to submit to an erro-

neous decision, than to disturb settled principles. We cannot expect that their decisions will be as harmonious and consistent where such frequent changes are made in the Court, as if it were more permanent. These changes will continue so long as the salary, and the cost of living remain as they now are. The high and honorable character of the position induces men of the most profound legal attainments to seek it; but the immense amount of labor they have to perform, and the insufficiency of the salary force them in a short time to resign, and return to the practice where their labors are less onerous and better rewarded. It will be seen upon examination, that the Supreme Court of Alabama decides more cases than any Supreme or Appeal Court in the Southern States. In view of the facts stated, I respectfully suggest, that the salaries of these judges be raised to four thousand dollars. Much of what has been said is applicable to our Circuit Court judges and chancellors. It is manifest that if the salary of two thousand dollars was not too much when it was fixed, it is not enough now, if we consider the great increase of their necessary expenses. No one can doubt that it is the duty of the State to secure and retain upon the Chancery and Circuit benches, lawyers of the highest integrity and legal attainments, for the better protection of persons and property. This can only be done by giving them reasonable salaries. As a general rule, an attorney who cannot make more than two thousand dollars by his practice, is not very well qualified to discharge the duties of judge or chancellor. I intend, by this declaration, no reflection upon these courts, as now constituted, for I presume our chancellors and judges will compare favorably, with those of other States. But the facts show that they cannot be retained in office, unless they happen to be gentlemen who have other sources of income, or are without families.

Alabama has an area of territory of more than fifty thousand square miles—has nine judges, and pays them an annual salary of two thousand dollars each, making in the aggregate, eighteen thousand dollars. The State of Georgia, containing but little more territory, has sixteen circuit court judges, and pays each an annual salary of \$2,500, making in the aggregate \$40,000. Louisiana with less territory, has eighteen circuit court judges, not including the city of New Orleans, and pays each an annual salary of \$2,500, making in the aggregate \$45,000. Tennessee with less territory, has fifteen circuit court judges, and pays each an annual salary of \$2,000, making in the aggregate \$30,000. Mississippi with less territory, has ten circuit court judges, and pays each an annual salary of \$2,500, making in the aggregate

gate \$25,000. I have been thus particular, in referring to these States, because the character of the litigation is the same, and to show that each of them pay to their circuit judges in the aggregate much more than our own State. Their ability to pay reasonable salaries, or their interest in the courts is not greater than ours. I, therefore, recommend that the salaries of the Chancellors and Circuit Judges should be raised to three thousand dollars. Should this be done, Alabama will then pay her Circuit Judges, annually, three thousand dollars less than Tennessee, thirteen thousand less than Georgia, and eighteen thousand less than Louisiana.

### PUBLIC SCHOOLS.

On the — day of —, 1858, Mr. William F. Perry, the Superintendent of Public Schools resigned his office, to take effect on the 1st day of September, 1858. Mr. Gabriel B. du Val was appointed to fill the vacancy, and on that day, entered upon the discharge of his duties. The resignation of Mr. Perry was much to be regretted, as he was an able and faithful officer, and did much to advance and perfect our system of public schools. I consider the State fortunate in securing the services of Mr. du Val. He is in every respect qualified for the position assigned him, and is a fit successor of Mr. Perry.

For the present condition of the public schools, and the working of the system, I refer you to his report.

It is suggested that an effort will be made at your present session, to abolish the office of Superintendent, and require the duties of that officer to be performed by the Controller, upon the ground of economy.

It occurs to me, that those who contemplate making this change have not maturely considered the subject. The education of the children of the State, is one of the most sacred duties of parents, and the government. The constitution declares "that schools, and the means of education shall forever be encouraged in this State." The Legislature, in the discharge of this constitutional obligation, has wisely instituted a system of common schools, intended to extend to the poorer classes of children the opportunity of learning to read and write. This system is yet in its infancy, and imperfect, and consequently there should be at the head of this department, a man of learning and practical judgment, to manage its affairs, and digest and recommend plans for its improvement. Any policy calculated to cripple, or retard its progress should be avoided.

The duties of the Controller are already onerous, and to impose

upon him the duties of Superintendent, will make it necessary to give him an additional clerk, so that little will be saved in money; the only reason, I suppose, that could be rendered for abolishing the office. The Controller, with the amount of business that would be cast upon him, would not have the time necessary to be devoted to the consideration and improvement of the school system. Feeling assured that the cause of education would not be promoted by such a change, I respectfully suggest, that it ought not to be made. No mode of extending the benefits of public schools, now occurs to me, except the appropriation of more money, and this I deem inexpedient at this time. After the payment of our bonds falling due in 1863, the treasury will be in a condition to authorize larger appropriations for this purpose.

It is supposed by some that the County Superintendents might well be dispensed with, and the duties performed by them imposed on the County Treasurers, so as to add something to the educational fund. There are many important duties required of these officers, besides the disbursements of the school fund, which the County Treasurer could not be expected to perform, without pay for his services; so that little, or nothing could be saved in this way. It will also be found, that County Treasurers are not always qualified for Superintendents of public schools. The experiment of having County Superintendents, without pay for their services, has been tried, and proved a failure. A change in this respect in my opinion, will embarrass the execution of the school laws, and be a real hindrance to the success of the system.

### DEAF AND DUMB.

In obedience to the requirements of an act of the Legislature, approved 4th February, 1858, the Superintendent of public schools and myself, located the school for the deaf and dumb at the town of Talladega, and appointed a teacher, Dr. Joseph H. Johnson, who had been successfully engaged, in a similar institution in the State of Georgia. He came very highly recommended and his efforts thus far, prove him to be peculiarly well qualified to take charge of, and instruct this unfortunate class of our population. The school has been in operation for one session only, with twenty pupils in attendance. The committee appointed to attend the closing exercises at the end of the session, have made a very favorable report, as to the progress of the scholars, and the qualifications of Dr. Johnson, for his delicate and responsible position. The good and charitable work of edu-

cating this afflicted class of persons, has been so successfully begun by our State, that I cannot doubt, the Legislature will make the necessary provisions for continuing the school. With the limited means appropriated, we had much difficulty in securing a proper building for the school. The good citizens of Auburn proposed to give to the State, a beautiful lot of ground, in a healthy location, as an inducement to locate the school at that place. But there being no building on the lot suitable for a school and boarding house, we were consequently compelled to decline this liberal proposition, not having means sufficient to erect the necessary buildings. We afterwards rented the building in the town of Talladega, known as the Masonic Institute, where the school is located.

This building is large, commodious and substantial, with all the necessary out-buildings for a boarding school. The location is a good one, as regards health and accessibility, being at the present terminus of the Alabama and Tennessee Rivers railroad. The citizens of Talladega constitute an intellectual and moral community, and I know of no more eligible location for the school. I am informed that the buildings and grounds, containing about sixteen acres, can be purchased for a little more than half the original cost. I presume, that the purchase of this establishment, will be as economical an arrangement, as the State can make, for establishing a permanent school. I therefore recommend, that provision be made for its purchase, and that it be done at an early day, as the present lease terminates with the last day of December next.

### SCHOOL LANDS.

By an act of the last Legislature, I was authorized and required to appoint an agent to value the lands "located in the States of Arkansas and Louisiana, for the benefit of the inhabitants of certain townships in the Chickasaw cession, in lieu of certain reservations on 16th Sections." Two gentlemen were appointed from the county of Franklin, both of whom declined to act, after accepting the appointment. The Hon. J. W. Pennington, late representative of Choctaw county, was then appointed. In preparing the necessary papers for him, I discovered that there were only 1,081 91-100 acres, to which the State had titles. The balance, consisting of 10,990 acres has been located, but there is no evidence that elections have been ordered or held in any of the townships, for which the lands were selected, as required by law, to ascertain whether or not the voters of these townships would ratify the selections made

for them. In order to vest the title in the State, the assent of the several townships must be given as prescribed by law. This, so far as can be ascertained from the papers on file, has not been done; consequently, no title vests in the State for the 10,990 acres. Not being satisfied that I could order elections to be held to ascertain the sense of the townships without further legislation, I instructed Mr. Pennington not to enter on his duties without further instructions from this department. Your attention is called to this subject, that the proper steps may be taken to secure the titles to the lands in question.

### GEOLOGICAL REPORT.

The late Prof. Tuomey, under an act of the Legislature, approved February 3rd, 1854, was appointed State Geologist. His first and only report, under this appointment, was prepared and presented to the Legislature at the session of 1855-'56. Three thousand copies were then ordered to be printed. A portion of the manuscript was handed over to Bates & Lucas, the public printers, with instructions to print the same. Some of the proof-sheets were sent to Prof. Tuomey, at Tuscaloosa, for correction. In consequence of the delay of the printers, no further progress was made with the work during his life time. After his death, Governor Winston, on the 24th of April, 1857, appointed Prof. Mallett, of the State University, to supervise the publication of the report. In the meantime, Mr. Bates, of the firm of Bates & Lucas died, and the firm was insolvent.

These, and other reasons, induced the last Legislature to pass the following joint resolutions: "Be it resolved, &c., that the Governor of the State, &c., be, and he is hereby authorized and required to inquire into and settle the account of Bates & Lucas, late State printers, or the survivor, or proper representative of either of them, for printing done on the Geological report of Mr. Tuomey, late State Geologist, that in making up and stating the account of said Bates & Lucas, the Governor shall take into consideration any damages to the State, from delay or loss of manuscript, or otherwise, and shall scale or reduce the account accordingly, &c." Under this resolution, I made a settlement with Mr. W. B. Hughes, who had done the printing, and represented the interest of Bates & Lucas. No deduction was made from the account, for the reason that I could not show, with any certainty, that the delay which had been occasioned, was entirely attributable to Bates & Lucas; nor could I show that the missing manuscript was ever in their possession. Mr. Hughes insisted that all the manuscript placed in the hands of Bates &



Lucas, had been printed, and was contained in that part of the printing for which I settled with him. He also denied that the delay was solely occasioned by the printers, but insisted that the want of the manuscript was the principal cause. This, I was not able, successfully, to controvert. I caused diligent search to be made in the office, and among the papers of Bates & Lucas, but could find no part of the missing manuscript. Afterwards, Prof. Mallett, who had been re-appointed by me to supervise the publication of the report, found a considerable portion of it among the papers of the late Prof. Tuomey. As there was not sufficient proof to have sustained a suit for damages against the securities of Bates & Lucas, no suit was instituted.

The confused condition of the papers, made it a very laborious and difficult matter to arrange them properly, for publication. Prof. Mallett did, however, succeed in bringing order out of confusion, and the report has been published, containing two hundred and ninety-two pages, in a manner that reflects much credit upon him. The report is, of course, not so full and valuable as it would have been, had the distinguished author lived to complete it, yet it will be found, as published, to contain much valuable information.

## PENITENTIARY.

Commissioners were appointed, under an act, approved the 8th of February, 1858, to settle with Jordan & Moore, late lessees of the Penitentiary. They proceeded in due time, to make the settlement, and reported the same to me, which report was approved and filed in the proper department. The Commissioners were instructed not to take into consideration the unsettled question between the late lessees and my predecessor, as to whether the lessees or the State was entitled to receive the fees due from the Federal Government, for keeping her convicts. It involved a legal question, which they, not being lawyers, were deemed incompetent to decide. The question was afterwards examined by me, with much care, aided by a well considered written opinion from the Attorney General. There was no conflict in our legal conclusions. In consideration of the sum of five hundred dollars to be paid annually, by Jordan & Moore, the State leased to them the Penitentiary, without any reservation as to the fees for keeping the prisoners of the General Government. It was, in our opinion, an entire contract between the lessees and the State, without reservation, under which the State was entitled annually to receive from Jordan & Moore, five

hundred dollars, in consideration of which, they were entitled to receive the entire income from the Penitentiary. The claim for these fees was therefore abandoned, on the part of the State.

At the termination of the lease of Jordan & Moore, the penitentiary was leased to Dr. Ambrose Burrows, for the sum of fifteen hundred and fifty dollars per annum. This is an advance of one thousand and fifty dollars, over the bid of the former lessees, and will be ample, I presume, to make all the necessary repairs and improvements. A release of all claim to the fees for keeping the convicts of the General Government was executed by Dr. Burrows, so that no difficulty can arise hereafter in regard to this matter.

There are two hundred and sixteen convicts in the Penitentiary, and among these are six females. There should be a separate and distinct apartment for them, so that they could be kept out of view of the males. The lessee, in order to effect the object, is compelled to keep the women so closely confined that it is well calculated to destroy their health. Different arrangements should be made for them, or they should be discharged from prison. This can be done without any appropriation from the treasury. Humanity, and the good government of the institution demand it. I therefore recommend, that an act be passed, authorizing and requiring the lessee to make the improvements necessary for this purpose, to be paid out of the annual rents. So far as I am advised, the lessee has been faithful in the discharge of his duties.

## DIGEST OF LAWS.

Section 20th of the sixth article of the State Constitution provides, that "within five years after the adoption of the Constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged, under proper heads, and promulgated in such manner as the General Assembly may direct; and a revision, digest and promulgation shall be made within every subsequent period of ten years." The last act, under this provision of the Constitution, was approved 9th February, 1850. The time has arrived when it becomes necessary to provide by law, for another "revision, digest and promulgation" of the laws of the State. It is, perhaps, more needed at this time, than at any previous period in the history of Alabama. There have been more laws enacted, amended and repealed, since the adoption of the Code, than perhaps ever were by any other State in the same number of years. No one but a lawyer, whose special business it is to keep up with the legislation of the State, can

now tell what provisions of the Code have been amended or repealed; or what statutes enacted since its adoption, are unrepealed.

We have too much legislation for the public good. The great number of acts repealed at each session of the Legislature, is conclusive proof of this allegation. The cost of local legislation is one of the heaviest items of expenses to the State. It is a great and growing evil, and should be remedied. The remedy is in your hands.

## CENSUS.

The Constitution requires that the census shall be taken every six years. This was done last in 1855; it will, therefore, devolve upon the General Assembly, at its present session, to pass a law to carry out this provision of the Constitution. The census must be taken in 1861, and before the meeting of the next legislature. I suggest the propriety of requiring the census taker, in each county, to put down, under a separate head, the number of white males, between the ages of eighteen and forty-five, for the purpose of ascertaining the full strength of the militia of the State. This is necessary, to enable us to draw our full quota of arms from the Federal Government. There seems to be no probability that this object will be effected under our militia system. Scarcely any one takes an interest in it, and I am satisfied that nothing short of a real or apparent necessity for active service, will inspire those liable to do military duty, with sufficient interest to induce them to comply with the requirements of the law, so as to enable their numbers to be ascertained, with any degree of certainty. Seeing the disorganized state of our militia, I have encouraged the formation of volunteer companies, so that in case of a sudden emergency, we might be provided with as many well trained officers and men, as possible, as a nucleus around which to rally.

An armory should be erected at the seat of government, for the safe keeping of the public arms. There are a considerable number of muskets, pistols and swords, in the old arsenal at Tuscaloosa, that should be brought to Montgomery, and put in good repair. These are the old fashioned muskets and pistols, but might be of much service. They should be transferred to this point for the purpose of being better preserved, and because they could be more easily distributed, if at any time there should be a sudden demand for them. The recent developments at Harper's Ferry admonish us of the propriety of the State being ready, at all times, to protect the lives and property of her citizens.

## MOBILE AND OHIO RAILROAD.

The debt due from the Mobile and Ohio Railroad Company was extended, under, and according to the terms prescribed in an act of the last General Assembly. The security taken from the company, consists of five hundred thousand dollars of first mortgage bonds, previously taken as security, and a mortgage on about twenty-one thousand acres of land, mostly situated along the line of the railroad, and upon which is located some of their improvements. The security was deemed ample at the time it was taken, and is now unquestionably so. By the extension of the road, both the bonds and land have increased in value, and will continue to do so, until the great enterprise is completed. Its speedy completion is now placed beyond doubt. The iron for the entire work has been purchased, and will be laid down as fast as practicable. When completed, it will be one of the best paying roads in the union, and will add immensely to the wealth and population of our only seaport city, and will necessarily contribute, in no small degree to the revenue and strength of the State.

The company acknowledge their obligations to the State, for the indulgence extended to them, and have promptly paid the interest on the debt. The extension of the three hundred thousand dollars due the State, induced other creditors to pursue a similar course, by which, the company were enabled to pass a crisis in their affairs, that threatened to arrest the further progress of the road; so that the State, by this act of liberality, may be said to have secured the completion of one of the most important works of internal improvements in the Southern States.

## CENTRAL RAILROAD.

To the act "to invest and dispose of the two per cent. fund," approved 8th February, 1858, was added a section in the following words: "Be it further enacted, that the sum of ten thousand dollars be, and the same is hereby appropriated out of the three per cent. fund now in the treasury, to be expended and applied, under the direction of the Governor in making a reconnoissance for a route for a railroad from the Tennessee river to some point on the Alabama and Tennessee river railroad, and to make a thorough survey of the most practicable route to connect the waters of the Tennessee river with the navigable waters of the Mobile Bay, with reference to the development of the mineral regions of the State, which said reconnoissance and survey must

be made in the year 1858; report thereof made to the Governor, which report shall contain a full statement of the length of the road, grades, cost per mile, together with all the particulars that are usually observed in surveys of this description." Under this law, I appointed Mr. John T. Milner, engineer, to make the reconnoissance and survey contemplated by the act. Mr. Milner was very strongly recommended by competent judges, as an experienced and practical engineer, as well as a gentleman of energy and high moral character. Knowing that there was a division of opinions, as to the point on the Tennessee river, at which the terminus of the road should be fixed, and that much interest was manifested on the subject, I determined to appoint no one to make the survey, who could be supposed to have any personal interest in, or partiality for, any particular location of the route; I therefore appointed Mr. Milner, who was an entire stranger in that portion of the State, through which the survey was to be made. As soon after his appointment as practicable, he commenced the work, being directed by me, to take the act under which he was appointed, for his principal instructions as to his duty. He was also furnished with a copy of Prof. Tuomey's Geological report, by which he informs me he was greatly aided in ascertaining the location of the mineral deposits, with reference to which the survey was to be made. Six routes have been surveyed by him, all beginning at or near Montevallo; four of them terminating at Decatur, and two at Beard's Bluff on the Tennessee river. You are referred to his report for full information in regard to the survey.

The report shows that Mr. Milner was well qualified for this position, and that he has been faithful in the discharge of his duties.

At this point, I desire to call your attention to the construction given to the section of the act above recited by Mr. F. M. Gilmer, President of the South and North Alabama Railroad Company. He applied to me to have the survey continued across the Alabama and Tennessee rivers railroad, to the navigable waters of the Alabama river, and insisted that the act required it to be done. I did not then, nor do I now, agree with him in this construction of the law. It was my opinion, that the act did not contemplate extending the survey further south than the Alabama and Tennessee rivers railroad. I suggested to Mr. Gilmer that if he thought it proper, he might employ Mr. Milner to continue the survey to the Alabama river, upon the responsibility of the company, of which he was President, and I would call the attention of the Legislature to the subject, and if that body should sustain his construction of the law, I would pay

Mr. Milner out of the funds appropriated for the purpose, otherwise I could not. Mr. Milner was employed by that company, and continued the survey to the Alabama river, at Montgomery. Now, if the Legislature shall instruct me by resolution, or otherwise, to pay for the cost of this survey, out of the ten thousand dollars appropriation, their instructions will be obeyed; but, in the absence of such instructions, I shall not consider myself authorized to do so.

The report of the engineer discloses three important interests of the State, that will be greatly promoted by building a road on one of the routes surveyed: First, by connecting North and South Alabama, and thereby uniting more closely the two extremes of the State, socially and politically. Second, by developing the vast mineral resources of Central Alabama; and thirdly, in opening a way by which the productions of the Tennessee valley and part of Tennessee, and other Western States, will find a market in our own State. The report shows another fact worthy of serious consideration. It is this, if a Central railroad should not be constructed within a reasonable time, the people of North Alabama, who are interested in the work, will direct their attention to the other contemplated roads. It appears that New Orleans is proposing to extend to Decatur, the road now being built from that city to Aberdeen, in the State of Mississippi, and that certain interests in the State of Georgia are being concentrated to construct a road from Atlanta, Ga., to Decatur, Ala. The argument is, that if a central road should not be built, and an outlet should be furnished by the roads referred to, to the markets of New Orleans and Georgia, a large portion of the products of North Alabama and Tennessee, which should find a market in our own State, will be diverted to other markets, and will contribute to build up other interests at the expense of our own. Besides this, the connection of North and South Alabama by a direct route, and the development of the great mineral resources of the central portion of the State will be defeated.

### THREE PER CENT. FUND.

The indications are, that a proposition will be made at the present session, to appropriate the unexpended balance of the three per cent. fund, to aid in the construction of railroads. If you should determine to make this disposition of the fund, great care should be taken to ascertain its true amount, that injustice may not be done to the State, or the fund. This suggestion is made, because there seems to be a conflict of opinion among

intelligent gentlemen, as to its real amount. That part of this fund unappropriated, was deposited in the State Bank, and made a part of the capital thereof. The amount deposited was \$353,-831 99. Upon this sum dividends were declared, at sundry times, amounting to \$104,858 30. In estimating the amount of this fund, the dividends declared in its favor should not, in my opinion, be considered, as they were merely nominal and never realized. If the Legislature should determine to allow interest, which will be a question for you to decide, the dividends should be disregarded, and interest calculated on the sum deposited, from the time it was invested as banking capital. From this should be deducted the amounts of the various appropriations made from the fund, and each appropriation should be deducted from the principal at the time it was made.

If this fund should be appropriated by you, it will be necessary to make provision for its payment. Your attention has already been called to the fact, that after paying the necessary expenses of the government, the interest on the State debt, and the appropriation for the support of public schools, with such other small appropriations as you find necessary to make, it will require all the surplus, now in the treasury, and all that will be realized from the revenue laws in the two next fiscal years, with the aid of the North Carolina and Virginia bonds and the debt that will be due from the Mobile and Ohio Railroad company to pay the State bonds that will fall due in May, 1863. The only mode of raising the means to discharge both these debts, within the next two years, will be by increasing the taxes. I would not advise this course, as the rate of taxes is already complained of by many. Both the debts may be paid, within six years, without increasing the taxes. I then suggest, that if the three per cent. fund is appropriated, at the present session, that the legislature authorize the issuance of State bonds, for the amounts appropriated, payable in not less than six years from their date; provided the parties for whose benefit the appropriation may be made, will agree to take them at par. The bonds would no doubt, be so received by the parties interested. By adopting this course, our foreign debt could be paid at maturity, and ample means be realized in time to discharge the bonds issued for the three per cent. fund, without any change in the revenue laws. If this, or some other similar policy is not adopted, the proper agent of the State should be authorized to extend so much of our foreign debt, as the payment in cash of the three per cent. fund, may render us unable to pay.

## UNIVERSITY OF ALABAMA.

The report of the executive committee of the board of trustees of the University, exhibits the condition of the funds of that institution. It appears that all the surplus means have been expended in the erection of a new dormitory, and two houses for the Professors; that extensive repairs are necessary to other buildings, and that the philosophical apparatus is incomplete and imperfect. The report further shows, that these repairs cannot be made, nor the deficiencies in the apparatus supplied, without some provision for that purpose. The trustees do not ask for an appropriation from the State treasury, but appeal to the legislature to restore to the permanent fund, the sum of fifty thousand dollars, which they allege has been unjustly taken from it. This at six per cent. interest, would add three thousand dollars to the annual income of the University and enable the trustees in a short time to meet its wants. I beg leave to call your attention, specially, to the able argument of the committee in behalf of the restoration of this fund. I do not see how it can be answered or resisted. I ask your calm deliberation on this subject, and if you conclude that this sum is unjustly withheld, it should be restored.

## HOSPITAL FOR THE INSANE.

I regret to say that the Hospital for the insane is not yet completed. It will be remembered that the trustees to superintend the erection of the buildings, at the last session of the legislature, reported that the buildings would be completed by November, 1858. In consequence of this report, I nominated six trustees, whose nominations were confirmed by the Senate, to take charge of the institution as soon as completed. They could do no binding official act, until the duties of the building trustees had been discharged. Nothing has therefore been done by them, except to confer with each other in regard to the selection of a superintendent, &c.

Of the cause of this delay I am not advised, with sufficient certainty to enable me to communicate them to you. I take it for granted, that the report of the trustees, which will be laid before you, will present everything in its proper light, and that you will be informed by them with certainty, when the buildings will be ready for the reception of patients. This work of benevolence and charity is greatly needed. Many letters within the present year, have been received by me, from the friends of



insane persons, inquiring when the hospital would be ready for the reception of patients.

The appropriation of some amount will be necessary, to pay the superintendent and others employed in the institution for the first two years, as the number of patients will probably not be sufficient to sustain it during that time.

As the many subjects of which I have been compelled to speak, have extended this communication to a tedious length, and as I shall have another opportunity of addressing you in a few days, I will reserve what I may have to say in regard to our federal relations, for that occasion.

That an allwise and overruling Providence may aid and direct you in the discharge of your legislative duties, and that you may return within a reasonable time to your homes and families, is my sincere prayer.

A. B. MOORE.

The Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Nov. 17, 1859.

The Senate met pursuant to adjournment.

The President appointed the following as the Standing Committees :

*On the Judiciary*—Bullock, Chilton, Walker, Stone, Calhoun, Felder, McSpadden, McIntyre, Jones of Fayette.

*Banks and Banking*—Patton, Fleming, Toulmin, Jemison, Jones of Greene, McSpadden, Burnett, Wood Mitchell.

*Federal Relations*—Calhoun, Walker, Bynum, Patton, Bullock, Chilton, Jackson, Fleming, Cleveland.

*Propositions and Grievances*—Toulmin, McIntyre, Woodward, Wood, Higgins, Heflin, Griffin.

*16 Section and 16 Sec. Funds*—Bynum, Wood, Cocke, Cleveland, Hill, Horn, Nelson.

*Education*.—Stone, McSpadden, Felder, Nelson, Horn, Burnett.

*Divorce and Alimony*.—McSpadden, Mitchell, Burnett, McIntyre, Stone.

*Retrenchment*.—Mitchell, Higgins, Griffin, Cleveland, Staton.

*Accounts and Claims*.—Rowe, Cocke, Toulmin, Staton, Nelson, Cleveland, Horn.

*The Penitentiary*.—Brewer, Hill, Austin, Jemison, Bullock.

*Agriculture*.—Hill, Mitchell, Heflin, Higgins, Calhoun.

*County Boundaries*—Jones of Fayette, Griffin, Burnett, Higgins, Wood.

*State Printing*.—Cocke, Cleveland, Higgins, Jones of Greene, Heflin.

*Roads, Bridges and Ferries*.—Woodward, Burnett, Griffin, Staton, Brewer, Rowe.

*Military*.—Fleming, Austin, McSpadden, Higgins, Jones, of Greene, Wood and Bynum.

*Enrolled Bills*—Burnett, Nelson, Jackson, Jones of Fayette, Stone, Horn, Brewer.

*State Capitol*.—Felder, Horn, Heflin, Brewer, Patton.

*Corporations*.—Walker, Felder, Mitchell, Austin, Jones of Fayette, Toulmin, McIntyre.

*Finance and Taxation*.—Jemison, Calhoun, Cocke, Rowe, Jackson, Woodward, Patton, Austin, Hill.

*State Bank and Branches*—Chilton, Burnett, Jackson, Rowe, Fleming.

*Inland Navigation and Internal Improvements*.—Jones of Greene, Walker, Bynum, Toulmin, Bullock, Jemison, Chilton, Calhoun, Staton.

*Privileges and Elections*.—McIntyre, Walker, Chilton, Bynum, Jemison.

Message from the House by Mr. Elmore :

House of Representatives, Nov. 17, 1860.

*Mr President*: The House of Representatives have passed the following resolutions :

*Resolved*, That a committee of three be appointed by the Speaker to act with a like committee on the part of the Senate, to adopt rules for the government of the two Houses when in joint convention.

*Resolved*, That (with the concurrence of the Senate) the two Houses will meet in convention in the hall of the House of Representatives, on Friday, at 11 o'clock, A. M., for the purpose of counting the votes and declaring the election of Governor, holden on the first Monday in August last.

And concurs in the Senate resolution to elect a public printer to-day at half-past 10 o'clock.

Also, passed the following bill :

For the relief of the administrators of Haley Hutchinson, deceased.

Mr. Horn introduced a bill to be entitled An Act to incorporate the Clintonville Academy, in Coffee county;

Which was read twice and referred to the Committee on Education.

Mr. Burnett asked for a suspension of the call of the districts to take from the table the House bill for the relief of the administrators of the estate of Haley Hutchinson; which was granted.

The bill was read twice and referred to a special committee—Messrs. Burnett, Bullock, and Walker with instructions to report a bill to be a general law to cover such cases.

The following bills were introduced;

Mr. Rowe: to enable the administrator of the estate of William Johnston, deceased, to remove the administration to Tallapoosa county.

Mr. Stone: to authorize the Judges of the circuit courts to preside in their own circuits, without interchanging with each other.

Mr. McIntyre: to regulate election districts, and for other purposes.

Mr. Jackson: to repeal an act to regulate the probate court of Franklin county.

Mr. Bynum: to repeal section 110 of the Code.

Mr. Austin: to amend the act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, and the privilege of constructing a bridge across the Tennessee river, in said county, approved February 21st, 1850.

All of which were severally read a first time and ordered to a second reading.

Message from the House by Mr. Elmore:

Hall of the House of Representatives, }  
November 17, 1859. }

*Mr. President:* I am instructed by the House of Representatives to invite the Senate into the hall of the House for the purpose of electing a State printer, at this hour, half-past 10 o'clock.

Mr. McSpadden, from joint committee, made the following report:

The committee raised on the part of the Senate to act with a like committee on the part of the House, to adopt joint rules for the government of the Houses, have held their conference, and beg leave to report that they recommend the adoption of the joint rules adopted as amended for the government of the two Houses during the session of 1857-58.

Which was concurred in.

The Senate then proceeded to the hall of the House for the purpose of electing a State printer—

Messrs. Shorter and Reid being in nomination.

Those who voted for Messrs. Shorter and Reid are, Messrs. President, Austin, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Cocke, Felder, Heflin, Hill, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward, of the Senate; Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bowen, Barodon, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Calhoun, Carlisle, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Jones, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Saffold, Scott, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, of the House.

Messrs. Shorter and Reid, alone being in nomination, and having received 121 votes, being the whole number cast, were declared duly and constitutionally elected State printers for the term prescribed by law.

The Senate returned to its chamber.

On motion of Mr. Patton,

1. *Resolved*, That so much of the Governor's message as relates to the finances of the State, be referred to the Committee on Finance.

2. *Resolved*, That so much as relates to the State Bank and branches, be referred to the Committee on the State Bank and branches.

3. *Resolved*, That so much as relates to the Central, Commercial and Eastern Banks, be referred to the Committee on Banks and Banking.

4. *Resolved*, That so much as relates to the Judiciary Digest of laws, and taking the census, be referred to the Committee on the Judiciary.

5. *Resolved*, That so much as relates to public schools, school lands, deaf and dumb, and the University of Alabama, be referred to the Committee on Education.

6. *Resolved*, That so much as relates to the insane, be referred to the Committee on the Insane Hospital.

7. *Resolved*, That so much as refers to the Mobile and Ohio, and Central railroads, be referred to the Committee on Internal Improvements and Inland Navigation.

8. *Resolved*, That so much as relates to the Penitentiary, be referred to the Committee on the Penitentiary.

9. *Resolved*, That so much as relates to the three per cent. fund, be referred to the Committee on the Two and Three Per Cent. Funds.

10. *Resolved*, That so much as relates to the Geological Survey and Report, be referred to the Committee on State Printing.

And that said several committees have leave to report by bill or otherwise, on the matters in said message referred to.

On motion of Mr. Bullock,

*Resolved*, (the House of Representatives concurring) That the two Houses will meet in joint convention, in the hall of the House, at half-past 11 o'clock, on Friday, the 18th instant, for the purpose of electing a judge of the supreme court, to fill the vacancy occasioned by the resignation of the Hon. Samuel F. Rice.

Ordered to be sent forthwith to the House.

The bill to incorporate the Western Bank of Alabama, was read 2nd time, and referred to the Committee on Banks and Banking.

The bills—

To amend section 43 of the Code;

For the relief of W. O. Massey;

For the relief of W. J. Kennedy; were severally read second time and referred to the Committee on the Judiciary.

The President laid before the Senate the following petition:

*To the Honorable the Senate of the State of*

*Alabama, in Session at Montgomery:*

The petition of the undersigned citizens of the county of Coosa, and voters at the election held the first Monday in August last past, for Senator for said county, represents that the Hon. George E. Brewer, who received a majority of the votes of said county at said election, for Senator, was not on the day of his election, nor until the latter part of October, thereafter of the age required by the Constitution for a Senator of said State; and, therefore, as your petitioners believe and represent, not qualified to take and hold his seat under said election: They therefore pray that your honorable body will decide this

question, whether the eligibility of a Senator dates from the day of his election, to the end that the Constitution may be understood and preserved inviolate. And your petitioners, as in duty bound, will ever pray.

T. J. Beckham, E. Hiatt, Jas. M. Nash, P. G. Bradshaw, T. W. Tinsley, J. D. Berry, W. Brooks, L. W. Bowran, Ward Martin, Joseph Smot, Richard Rodgers, N. B. Yarborough, G. W. Graham, B. F. Taylor, Richard Y. Heshley, A. M. Cousins.

November 3, 1859.

The petition was referred to the Judiciary Committee.

The Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, November 18, 1859.

The Senate met pursuant to adjournment.

Mr. Woodward introduced a bill to amend the charter of the town of Gainesville; which was read twice and referred to the Judiciary Committee.

Mr. Rowe introduced a bill to repeal an act therein named.

Mr. Higgins: a bill to require owners of pulic ferries to attach banisters to their boats;

Which were read a first time and ordered to a second reading.

Mr. Nelson: a bill to authorize the administrator of Webb B. Kidd, to remove the administration from the county of Macon to the county of Shelby.

Constitutional rule suspended, the bill read three times, passed, and ordered to be sent to the House immediately.

Mr. Bullock, from the select committee to whom was referred the bill for the benefit of the estate of P. A. Wise, reported the same back with the following amendments, and recommended its passage as amended: "Amendment 1. Strike out the 2nd section entire; 2. Make the 3rd section the 2nd section, and at the end of it add the words, *Provided*, That each of the surviving partners of the said P. A. Wise first files in the probate court of Tallapoosa county his assent in writing to the action of the said administrator authorized by this section."

Mr. Burnett, from the special committee, to whom was referred the House bill for the relief of the administrator of the estate of Haley Hutchinson, deceased, reported the accompanying substitute, and recommended its passage:

Strike out all, and insert,

SEC. 1. *Be it enacted &c.*, That hereafter it shall be lawful for the executors or administrators of deceased persons when the

lands belonging to the estate of such deceased persons shall lie in one body, but in more than one county, to sell all the same in either county in which any portion of such lands may lie: *Provided*, That any such sale shall be pursuant to and first authorized by a decree of the probate court of the proper county.

The amendments were concurred in, the bills read a third time and passed, and ordered to be sent forthwith to the House.

Mr. Felder introduced a resolution instructing the door-keeper of the Senate to purchase twenty-four good and substantial chairs for the accommodation of persons who may visit the Senate chamber.

Mr. Bynum moved to amend by inserting before the word "chairs," the words "split-bottomed, worked-backed," and after the word "chairs," the words "without arms; which was lost.

On motion of Mr. Patton, the resolution was referred to the Committee on the State Capitol.

The joint resolution of the House proposing that the two houses meet in the hall of the House on Friday, 18th instant, at 10 o'clock, A. M., for the purpose of counting the votes for Governor, voted at the election on the first Monday in August last past, was concurred in, and ordered to be sent forthwith to the House.

Message from the House, by Mr. Elmore:

*Mr. President:* The House concurs in the Senate resolution proposing to meet in the hall of the House of Representatives on Friday, 18th instant, at half-past 11 o'clock, for the purpose of electing a supreme court judge to fill the vacancy occasioned by the resignation of the Hon. Samuel F. Rice.

Has adopted the following resolution:

*Resolved*, (the Senate concurring), That a committee of three be appointed on the part of the House, to act with a like number on the part of the Senate, whose duty it shall be to ascertain and report at an early day what amount of the two and three per cent. funds remain in the treasury of the State.

Messrs. Parsons, Hobbs and Irby, composed said House committee.

On motion of Mr. Stone, Mr. Patton was added to the Committee on Education. On which motion,

Mr. Bynum called for the ayes and noes:

Those who voted aye are, Messrs. President, Bullock, Burnett, Chilton, Cleveland, Cocke, Higgins, Hill, Horn, Jones of

Fayette, McIntyre, McSpadden, Nelson, Staton, Stone, Toulmin, Walker and Wood.—18.

Nays—Messrs. Austin, Brewer, Bynum, Calhoun, Fleming, Heflin, Jackson, Jemison, Mitchell and Woodward.—10.

The bill to enable the administrator of the estate of William Johnston, to remove the administration to Tallapoosa county; was read second time, and ordered to third reading.

The bills—

To authorize the judges of the circuit courts to preside in their own circuits, without interchanging with each other;

To regulate election districts, and for other purposes;

To repeal an act to regulate the Probate Court of Franklin county;

To repeal section 110 of the code,

Were severally read the second time and referred to the Committee on the Judiciary.

The bill to amend an act granting the right of way to the Nashville and Chattanooga Rail Road Company through Jackson county, and the privilege of constructing a bridge across the Tennessee river in said county, approved January 21, 1850, was read a second time and referred to the Committee on Internal Improvements.

On motion of Mr. Fleming,

*Resolved*, That the Judiciary Committee be instructed to inquire into the expediency of passing a law on the subject of a game called "Keno," and report by bill or otherwise.

Message from the House by Mr. Elmore:

"*Mr. President*: I am instructed by the House of Representatives to invite the Senate into the hall of the House, at this hour, for the purpose of counting the votes for Governor, cast at August election, 1859.

"Also for the purpose of electing a Supreme Court Judge, at half past 11 o'clock, to fill the vacancy occasioned by the resignation of the Hon. Samuel F. Rice."

The Senate then repaired to the hall of the House, and the Speaker of the House of Representatives, according to the requirements of the constitution, proceeded to open and publish the returns of the election for Governor, in the presence of both Houses of the General Assembly. The result was as follows:

|                        |              |
|------------------------|--------------|
| For A. B. Mobre.....   | 46,478 votes |
| For W. F. Samford..... | 17,564.      |



Mr. A. B. Moore having received a majority of all the votes given, Mr. Speaker declared him duly and constitutionally elected Governor of the State of Alabama for the term prescribed by the constitution.

The convention then proceeded to the election of a Supreme Court Judge, to fill the vacancy occasioned by the resignation of the Hon. Samuel F. Rice.

Mr. Patton placed in nomination Hon. Richard W. Walker.

Mr. Walker alone being in nomination, and having received 122 votes, being the whole number cast, Mr. Speaker declared him duly and constitutionally elected Judge of the Supreme Court for the term prescribed by law.

The Senate then returned to its chamber, and adjourned until to-morrow morning 10 o'clock.

SATURDAY, Nov. 19, 1859.

The Senate met pursuant to adjournment.

Upon the call of the districts, the following bills were introduced:

Mr. Chilton: To regulate the pay of solicitors in the several circuits and of the Attorney General, and prescribing the duties of the latter officer.

Mr. Jones, of Greene: To incorporate the Demopolis Marine and Fire Insurance company.

Mr. Hill: The better to secure the collection of certain taxes.

Mr. Nelson: To incorporate the Columbiana Insurance Company.

Mr. Austin: To authorize the qualified voters of each county to elect a tax assessor for the term of two years.

Mr. Patton: To improve the navigation of Colbert Shoals in the Tennessee river.

All of which were severally read the first time and ordered to a second reading.

Mr. Cocke introduced a bill to amend Section 2,462 of the Code of Alabama.

Which was read first and second times, and referred to the Judiciary Committee.

Mr. Heflin introduced a bill to authorize the Savannah, Griffin and North Alabama Rail Road, of the State of Georgia, to extend their rail road from the Alabama line to some point on the Alabama and Tennessee Rivers rail road, between the town of Talladega, in Talladega county; and the town of Jacksonville, in Calhoun county; which was read the first and second times, and referred to the Committee of Internal Improvements.

Mr. Mitchell introduced a bill to incorporate the Book and Tract Society of the Alabama Conference of the Methodist Episcopal Church, South; which was read the first and second times, and referred to the Committee on Corporations.

On motion of Mr. Calhoun,

*Resolved*, That (with the concurrence of the House of Representatives) a committee of three be appointed on the part of each House to wait on the Governor elect, Hon. A. B. Moore, and inform him of his election, and ascertain at what time it will suit him to be qualified and inaugurated as Governor.

The President appointed Messrs. Calhoun, Hill and Horn the committee on the part of the Senate.

On motion of Mr. Brewer,

*Resolved*, That the Committee on the State Penitentiary be instructed to inquire into the expediency of furnishing a library of moral, scientific and historical works, for the use of convicts in the State Penitentiary.

The House resolution proposing to appoint a committee of three from each House to ascertain what amount of the two and three per cent. funds are in the Treasury, was concurred in, and Messrs. Felder, Walker and Bynum were appointed said committee.

The bill to repeal an act therein named was read the second time, and referred to the Committee on Corporations.

The bill to revive an act to extend the debts due the 16th sections was read the first and second times, and referred to the Committee on the 16th Sections.

The bill to require owners of public ferries to attach banisters to their boats, was read the second time and referred to the Committee on Roads, Bridges and Ferries.

The bill to enable the administrator of the estate of William Johnston, deceased, to remove the administration to Tallapoosa county, was read the third time and passed.

The Senate then adjourned until Monday morning 10 o'clock.

MONDAY, Nov. 21, 1859.

The Senate met pursuant to adjournment.

Upon a call of the Districts, the following bills were introduced:

Mr. Wood: To increase the tax on pedlars in the county of Dale.

Mr. Toulmin: To authorize the election of inspectors of sawed lumber, square, navy and other timber, and wood.

Mr. Cleveland: For the relief of Nathaniel J. Nettles, of Monroe county.

Mr. Bynum: For the appropriation of a part of the two and three per cent. funds.

Mr. Bullock: To amend section 391 of the Code; also, To incorporate the Eufaula Marine and Fire Insurance Company.

Mr. Felder: To more effectually prevent burglary, and enticing slaves away to a free State.

Mr. Jackson: To incorporate the Tennessee Valley Agricultural and Mechanical Association.

Which were severally read the first time, and ordered to a second reading.

Mr. Bullock: A bill to lay off and divide the State of Alabama into eleven judicial circuits.

Which was read the first and second times and referred to the special joint committee raised for the purpose of enquiring into the expediency of re-districting the judicial circuits of the State and creating one or more judicial circuits.

Mr. Jones, of Greene, laid before the Senate the petition of Stephen Denson, a free man of color of Greene county, and certain citizens of said county, praying the legislature to grant freedom to a certain boy named Frank, the son of said Stephen Denson by his wife a slave, the property of John Horton.

Which on motion of

Mr. Calhoun, was laid on the table.

Mr. Jones, of Greene, introduced a bill to amend the charter of the town of Demopolis, and to confer additional powers on the corporate authorities of said town; which was read the first and second times, and referred to the committee on corporations.

Mr. Cocke introduced a bill to regulate the interest on 16th section and State University funds; which was read the first and second times, and referred to the committee on education.

Mr. Brewer introduced an account of J. H. Fargason, jailor of Coosa county; which was referred to the committee on accounts and claims. Also,

A bill for the relief of John W. Ingram, which was read first and second times, and referred to the committee on divorce and alimony.

Mr. Bullock, from the committee on the judiciary, to whom was referred the bill for the relief of Wm. O. Massey, reported adversely to the bill. The report was concurred in.

Mr. Bullock, from the same committee, to whom was referred so much of the Governor's message as relates to the judiciary, reported a bill in accordance with the recommendations of his Excellency in respect to the increase of the salaries of judges of the supreme and circuit courts and chancellors, as follows, to-wit:

A bill to increase the salaries of certain officers therein named, which was read first time and ordered to a second reading.

Mr. Bullock, from the same committee, reported favorably on the bill to regulate the probate court of Franklin county. The report was concurred in, and the bill ordered to a third reading.

Mr. Walker, from the committee on the judiciary, reported favorably on the bill to amend section 43 of the Code. The report was concurred in, and the bill ordered to a third reading.

Message from the House by Mr. Brewer.

"Mr. President, the House of Representatives has adopted the following resolution :

"*Resolved*, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, to examine, audit and state the account and vouchers of John Whiting, commissioner and trustee of the State bank and branches.

"Messrs. Whitfield, Clayton and Parsons, compose the House committee.

"The House concurs in the Senate resolution proposing to appoint a committee of three on the part of each House, to wait upon the Governor elect, Hon. A. B. Moore, and inform him of his election to the office of Governor of the State of Alabama, and that he be requested to designate the day on which it will suit his convenience to take the oath of office.

"Messrs. Hubbard, Holley of Tallapoosa, and Barlow compose the House committee.

"The House also concurs in the Senate resolution to appoint a committee of one from each judicial circuit, to re-organize the judicial circuits in this State.

"Messrs. Adams, Hale, Jack, Forney, Shepard, Walker, Clitherall, Starke and Parsons compose said House committee.

"The House has originated and passed the following bills:

"To prohibit the sale of spirituous liquors within one mile of the village of Clay Hill, in the county of Pike.

"To amend the charter of the city of Montgomery."

The Senate concurred in the House resolution proposing to appoint a joint committee to examine, audit and state the account and vouchers of John Whiting, commissioner and trustee of the State bank and branches, and Messrs. Jemison, Patton and Rowe were appointed said committee on the part of the Senate.

Mr. Calhoun, from the judiciary committee, reported unfavorably on the bill to repeal section 110 of the Code.

The bill and report were made the special order for Wednesday, 12 o'clock.

Mr. Burnett moved to reconsider the vote ordering the bill to amend section 43 of the Code to a third reading; which was carried.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Cleveland, Cocke, Felder, Higgins, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, Nelson, Patton, Stone, Toulmin, Wood, Woodward.—20.

Nays—Messrs. Austin, Calhoun, Fleming, Heflin, Hill, McIntyre, McSpadden, Mitchell, Rowe, Staton, Walker.—11.

The bill was referred to the committee of finance and taxation.

Message from the Governor, by his private secretary Mr. Watkins Phelan:

“Mr. President: I am instructed by his Excellency the Governor, to deliver to the Senate the report of John T. Milner, chief engineer in charge of the location of the Central Railroad.”

Mr. Rather moved to refer the report to a special committee of three.

Mr. Calhoun moved to refer it to the committee on internal improvements, with instructions to report what portions and what number of copies of said report they may deem proper to have printed.

Which motion, having precedence over the motion of Mr. Rather to refer to a special committee, was put and carried.

Mr. Felder, from the special committee to which was referred the resolution instructing the doorkeeper to purchase twenty-four chairs for the use of the Senate chamber, recommended that the resolution be adopted, and the doorkeeper be instructed not to purchase chairs that will cost over two dollars each, and that they be as near the pattern of those now in the lobby of the Senate as he can get them. The resolution was adopted and the report concurred in.

The House bill to amend the charter of the city of Montgomery was read the first and second times and referred to the committee on corporations.

Mr. Walker introduced the following resolution:

*Resolved*, That (with the concurrence of the House) the two Houses will assemble in the Hall of the House of Representatives, on Wednesday the 23d inst., at half-past 11 o'clock, A. M., for the purpose of electing a Senator to the Congress of the United States to fill the vacancy occasioned by the expiration

of the term of the Hon. Benjamin Fitzpatrick, on the 4th March, 1861.

On motion of Mr. Bullock, the consideration of the resolution was postponed until Monday next, 11 o'clock, and made the special order for that hour.

On motion of Mr. Stone—

*Resolved*, That the committee on the military be instructed to inquire into the expediency of organizing an efficient military system for the defence of the State, and also to report some plan by which the organization of volunteer companies may be secured and encouraged in every county, and that said committee be requested to report by bill or otherwise.

On motion of Mr. Patton—

*Resolved*, That the committee on finance and taxation, be instructed to inquire into the expediency of so revising the revenue law as to adhere more strictly to a uniform or *ad valorem* system of taxation, and that said committee have leave to report by bill or otherwise.

Mr. Higgins introduced the following resolution:

*Resolved*, (The House concurring,) That no election for a solicitor of any of the judicial circuits of this State shall take place until after the 15th December next.

Which was laid on the table.

The bill to regulate the pay of the Solicitors of the several circuits and of the Attorney General, and prescribing the duties of the latter officer, was read the second time and referred to the judiciary committee.

The bill to improve the navigation of the Colbert Shoals in the Tennessee river was read the second time and referred to the committee on internal improvements.

The bill to authorize the qualified voters of each county to elect a tax assessor for two years was read the second time and referred to the committee on finance and taxation.

The bill to incorporate the Colubiana Insurance Company was read the second time and referred to the committee on banks and banking.

The bill, the better to secure the collection of certain taxes was read the second time.

Mr. Cocke moved to amend by striking out the word "or" before the word "shows," in the first section, and inserting after the word "shows" the words "or negro traders."

Which was adopted, and the bill referred to judiciary committee.

The bill to incorporate the Demopolis Marine and Fire In-

surance company, was read the second time and referred to the committee on corporations.

The House bill to prohibit the sale of spirituous liquors within one mile of the village of Clay Hill, in the county of Pike, was read the first time and ordered to a second reading.

Mr. Calhoun, from the joint committee, to wait on and inform the Governor, A. B. Moore, of his election as Governor of the State of Alabama, and to ascertain when it would suit his convenience to take the oath of office; reported that they had discharged that duty, and that Thursday, the first day of December next, at 12 o'clock, M., was the time designated by his Excellency for taking said oath.

The Senate then adjourned until to-morrow morning 10 o'clock.

TUESDAY, Nov. 22, 1859.

After the reading of the journal;

Mr. Nelson introduced a bill to amend 1140 of the Code.

Mr. Chilton: Bill to amend the charter of the town of Auburn, in Macon county.

Mr. Calhoun: A bill to amend the charter of the Selma and Gulf Railroad company.

Mr. Fleming: A bill to regulate the rate of taxes on railroads within this State.

Which were severally read the first time and ordered to a second reading.

Mr. McIntyre introduced a bill to incorporate the Troy Insurance company.

Mr. Bullock: A bill to authorize the city council of Eufaula, to indemnify subscribers to certain stock in the Southwestern Railroad, of the State of Georgia, and also to purchase the right of way for the extension of said road to the depot in said city.

Which were severally read the first and second times, and referred to the committee on corporations.

Mr. Chilton presented the account of C. F. Lewis, sheriff of Macon county.

Mr. McSpadden presented the account of Richard Norton;

Which were referred to the committee on accounts and claims.

Mr. Rowe introduced joint resolutions to amend the constitution of the State of Alabama.

Mr. McSpadden offered the following amendment:

*“Provided, That the organization of any new county, shall not interfere with the county site of any county where public buildings have been erected.”*

The joint resolutions, as amended, were read and referred to the judiciary committee.

Mr. Calhoun introduced a bill to loan a portion of the three per cent. fund to the Selma and Gulf Railroad company.

Mr. Walker: A bill to loan a portion of the three per cent. fund to the Alabama and Tennessee Rivers Railroad company.

Which were severally read the first and second times, and referred to the committee on internal improvements.

Mr. Mitchell: A bill to amend section 2318 of the Code; which was read twice and referred to the judiciary committee.

On motion of Mr. Felder, the Senate re-considered the vote adopting the resolution authorizing the doorkeeper to purchase chairs for the lobby of the Senate chamber; whereupon

Mr. Cocke moved to amend by striking out the words, "that they be as near the pattern of those in the House now as he can get them," and insert in their place the word "suitable."

Which was adopted with the resolution.

Mr. Patton moved to reconsider the vote postponing the consideration of the resolution proposing to elect a United States Senator on Wednesday next, 12 o'clock, M., until Monday 11 o'clock.

Mr. McSpadden moved to lay Mr. Patton's motion on the table.

Mr. Bullock moved to postpone Mr. Patton's motion to reconsider until Monday next, 11 o'clock; which, having the precedence was put.

Mr. Bynum called for the yeas and nays.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cleveland, Cocke, Fleming, Higgins, Horn, Jackson, Jones of Greene, McIntyre, Nelson, Rowe, Stone, Wood and Woodward.—19.

Nays—Messrs. Austin, Burnett, Felder, Heflin, Hill, Jemison, Jones of Fayette, McSpadden, Mitchell, Patton, Staton, Toulmin and Walker.—13.

Message from the House by Mr. Brewer.

"HOUSE OF REPRESENTATIVES, Nov. 22,

"Mr. President: The House has adopted the following resolution:

"*Resolved*, That (with the concurrence of the Senate), A joint committee of three on the part of the House, and three on the part of the Senate be appointed, to act as a committee on the State supreme court libraries.

"Messrs. Walker, Saffold and Hobbs, compose said committee on the part of the House."



The Senate concurred in the above resolution of the House, and Messrs. Chilton, Stone and Jackson, were appointed the committee on the part of the Senate.

Message from the House by Mr. Elmore.

“November 22, 1859.

“Mr. President: The House of Representatives has passed a Senate bill for the relief of the estate of P. A. Wise, deceased.”

Mr. Bynum, from the committee on 16th section, reported favorably on the bill to revive an act to extend the debts due the 16th section.

The bill was ordered to a third reading.

Mr. Chilton, from the committee on the judiciary reported favorably on the bill to amend the charter of the town of Gainesville.

The bill was ordered to a third reading.

On motion of Mr. Jemison, the resolution postponing the election of solicitors in the judicial circuits of this State until 15th December next, was taken from the table.

Mr. Jemison moved to amend the resolution by striking out “15th December next, and insert “second week in January.”

Mr. President moved to amend the amendment by striking out “second,” and inserting “third,” which was adopted.

The resolution as amended was then adopted.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Felder, Higgins, Horn, Jackson, Jemison, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Staton, Stone, Toulmin, Walker, Wood and Woodward.—23.

Nays—Messrs. Austin, Fleming, Heflin, Hill, Jones of Fayette and Rowe.—6.

Message from the House.

“HOUSE OF REPRESENTATIVES, Nov. 22, 1859.

“Mr. President: The House has passed the following bill:

Supplemental to, and in enlargement of, “an act to authorize the corporate authorities of the city of Mobile, to aid in the construction of a railroad upon a vote of the citizens,” approved 8th February, 1858.

The bill was read a first, second and third times and passed.

Mr. Austin introduced the following resolution:

*Resolved*, That (with the concurrence of the House), The two Houses will meet in convention, in the hall of the House of Representatives, on Wednesday morning, the 23d November,

inst., at 11 o'clock, for the purpose of electing a Chancellor for the southern division of the State.

On motion of Mr. Rather, the resolution was laid on the table.

The bill for the relief of Nathaniel J. Nettles, of Monroe county, was read a second time.

Mr. Calhoun moved to amend by inserting after the word "Nettles," the names of "Green W. Lee and Verilla Lee."

The amendment was adopted, and the bill referred to the committee on the judiciary.

The bill to repeal an act to regulate the probate court of Franklin county, was read the third time and passed.

The bill to incorporate the Clintonville Academy, in Coffee county, was read a third time and passed.

The House bill to prohibit the sale of spirituous liquors within one mile of Clay Hill, in Pike county; and

The bill more effectually to prevent burglary and enticing slaves away to a free State;

Were read the second time, and referred to the committee on the judiciary.

The bill for the appropriation of a part of the two and three per cent. funds, was read the second time and referred to the committee on internal improvements.

The bill to increase the tax on pedlars in the county of Dale, was read the second time and referred to the committee on finance and taxation.

The bill to increase the salaries of certain officers therein named, was read a second time.

Mr. Burnett moved to postpone the consideration of the bill until the 15th December next, 12 o'clock; which was lost.

Yeas—Messrs. Austin, Brewer, Burnett, Bynum, Cocke, Felder, Fleming, Heflin, Hill, Jones of Fayette, Mitchell, Staton and Stone.—13.

Nays—Messrs. President, Bullock, Calhoun, Chilton, Cleveland, Higgins, Horn, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Nelson, Patton, Rowe, Toulmin and Wood.—17.

The bill was ordered to a third reading.

Yeas—Messrs. President, Bullock, Calhoun, Chilton, Cleveland, Horn, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Nelson, Patton, Toulmin, Wood and Woodward.—16.

Nays—Messrs. Austin, Burnett, Bynum, Cocke, Felder, Fleming, Heflin, Higgins, Hill, Jones of Fayette, Mitchell, Rowe, Staton and Stone.—14.

The committee on enrolled bills, reported as correctly enrolled the bill for the benefit of the estate of P. A. Wise, deceased.

The bill to incorporate the Tennessee Valley Agricultural and Mechanical Association; and

The bill to incorporate the Eufaula Marine and Fire Insurance company,

Were read a second time, and referred to the committee on corporations.

The bill to amend section 391 of the Code, was read a second time and referred to the committee on finance and taxation.

The bill to authorize the election of inspectors of sawed lumber, square, navy and other timber and wood, was read a second time and referred to a select committee, composed of Messrs. Toulmin, Jemison and Nelson.

The bill to amend the charter of the city of Montgomery, was read the second and third times and passed.

On motion of Mr. Cocke:

Whereas, it is believed by many that the banking capital of the State of Alabama is insufficient for the commercial wants of the State, as evinced by the number of bank charters now before the legislature, and there being no power in this body to charter more than one bank, at any one session, and knowing the large premium at which bank stock is now selling, and the large premiums that may accrue to the State from the sale of the stock now reserved to the State in the several banks now chartered in this State; be it

*Resolved*, That the committee on finance and taxation, be instructed to inquire into the expediency of appointing a suitable person to subscribe for and dispose of such stock in the several banks of this State, as has been reserved for the State in the charters of said banks, and that said committee be directed to report by bill or otherwise.

The Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Nov. 23, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Toulmin: To amend an act, entitled "an act to repeal an act therein named," approved February 5th, 1858.

Mr. Jones, of Greene: A bill (accompanied with a petition) to incorporate and aid the agricultural and horticultural society of Western Alabama.

Mr. Jackson: A bill for the relief of the heirs of William Edward Allsbrook, deceased.

All of which were read the first time and ordered to a second reading.

Mr. Brewer introduced joint resolutions proposing an amendment to the constitution.

Mr. Jackson moved to amend the 3d resolution, by striking out Florence and inserting Tusculumbia.

The resolutions with the amendment, were referred to the committee on the judiciary.

Mr. McIntyre presented the memorial of J. P. W. Amerine and J. B. Fannin, physicians and partners in the practice of their profession in the town of Troy, in Pike county in said State, which was referred to the committee on propositions and grievances.

Mr. Bynum: A bill to require tax assessors and collectors to prepare and furnish assessment lists to the tax payers.

Mr. Cocke: A bill to increase the tax on pedlars in the State of Alabama.

Which were severally read the first and second times and referred to the committee on finance and taxation.

Mr. Bullock, from the judiciary committee, to whom was referred a resolution instructing an inquiring into the expediency of passing a law on the subject of a game called "keno," reported that it was unnecessary to legislate in relation thereto, said game being embraced within the provisions of the penal code.

The report was concurred in.

Mr. Bullock, from the same committee, reported adversely to the bill to amend section 2462 of the Code.

The report was concurred in.

Mr. Bullock, from the same committee, reported favorably on the bill to regulate election districts and for other purposes, and the bill was ordered to a third reading.

Also, on the bill better to secure the collection of certain taxes.

Mr. Hill moved to amend by striking out the word "or" before "negro traders," and after "negro traders," insert "all foot and horse pedlars or organ grinders."

Mr. Felder moved to amend by adding to section two the words, "and shall be guilty of a misdemeanor."

Both of which were adopted, and the bill ordered to a third reading.

Message from the Governor, by Mr. Phelan.

"Mr. President: His Excellency the Governor has approved a bill, which originated in the Senate, of the following title:

"An act for the relief of the estate P. A. Wise, deceased."

Mr. Walker, from the committee on corporations, reported favorably on the bill to incorporate the book and tract society of the Methodist Episcopal Church South. The bill was ordered to a third reading.

Mr. Woodward, from the committee on roads, bridges and ferries, reported favorably on the bill to require owners of public ferries to attach banisters to their boats.

The bill was ordered to a third reading.

Mr. Jones, of Greene, from the committee on internal improvements, to whom was referred the report of John T. Milner, chief engineer in charge of the location of the Central Railroad, reported the same back, and recommended that 133 copies of the report shall be printed; provided the expenses of the same shall be paid out of the unexpended balance of the fund appropriated for making the survey of the road.

Mr. Jones, of Greene, from the same committee, to which was referred a bill to authorize the Savannah, Griffin and North Alabama Railroad company of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee Rivers Railroad, between the town of Talladega, in the county of Talladega, and the town of Jacksonville, in the county of Calhoun, reported favorably thereon.

The bill was ordered to a third reading.

Mr. Jones, of Greene, from the same committee, reported favorably on the bill to amend "an act, granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, and the privilege of constructing a bridge across the Tennessee river in said county," approved January 21, 1850.

The bill was ordered to a third reading.

On motion of Mr. McSpadden—

*Resolved*, That the judiciary committee be, and they are hereby required to investigate the propriety of calling a convention to revise the constitution of the State of Alabama, and to report to the Senate by joint resolutions or otherwise.

Mr. Brewer introduced the following resolution:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the doorkeeper of each House be authorized to purchase stamps for the payment of postage on bills and orders to be printed, which bills and orders shall be paid for out of the contingent fund.*

On motion of Mr. McIntyre—

*Resolved*, That a committee, of three be appointed by the President, to inquire what has been done, if anything, to secure to the State of Alabama the benefits of the donation by Congress, by the act of 28th September, 1850, of all swamp and overflowed lands within the State, remaining unsold at the date of the passage of said act; whether the provisions of said act have been complied with, and the title of the State thereto perfected, and that said committee report at the earliest practicable day.

Whereupon Messrs. McIntyre, Heflin and Stone were appointed said committee.

Mr. Chilton introduced joint resolutions on the subject of the recent outrage at Harper's Ferry, which were read the first, second and third times forthwith, and passed unanimously, and ordered to be sent forthwith to the House.

Mr. Chilton introduced a bill in relation to incorporated companies, which was read a first time and ordered to a second reading.

The Senate proceeded to the consideration of the special order, it being the bill to repeal section 110 of the Code.

On motion of Mr. Calhoun, the bill was laid on the table.

The bills:

To amend the charter of the town of Gainesville;

To amend an act to extend the debts due the 16th sections,  
Were read a third time and passed.

The bill to increase the salaries of certain officers therein named, was read the third time and postponed till second Monday in December.

The bill to regulate the taxes on railroads in this State, was read the second time, and referred to the committee on finance and taxation.

The bill to amend 1140 of the Code of Alabama, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to amend the charter of the Selma Gulf and railroad company, was read the second time and referred to the committee on internal improvements.

The bill to amend the charter of the town of Auburn, in Macon county, was read a second time and referred to the committee on corporations.

Message from the House by Mr. Brewer.

Mr. President: The House has organized and passed a bill  
which is being called

A bill to revive and amend the charter of the North-Western railroad company.

On motion of Mr. Bynum:

The Senate then adjourned until Friday morning 10 o'clock, in deference to the proclamation of the Governor, appointing to-morrow, 24th inst., as a day of thanksgiving and prayer.

FRIDAY, Nov. 25, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Toulmin: A bill to provide for the election of auditor and assessor of taxes in the county of Mobile.

Mr. Cleveland: A bill to amend sections 1136 and 1137 of the Code of Alabama.

Mr. Jones, of Greene: To loan a portion of the three per cent. fund to the North-East and South-West Alabama railroad company.

Mr. Mitchell: To incorporate the Lafayette Insurance company.

Mr. Nelson: To incorporate the town of Montevallo.

All of which, were severally read a first time, and ordered to a second reading.

Mr. Calhoun introduced a bill, to provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution thereof, or the formation of a new constitution; which was read twice and referred to the committee on the judiciary.

Mr. Patton, from the committee on banks and banking, to whom was referred the bill to incorporate the Columbian Insurance company, reported the following amendment, and recommended its passage: At the end of the provision in the fifth section, and the word "money," add "or pay out or circulate the notes of foreign banks."

The report was concurred in, and the bill ordered to a third reading.

Mr. Walker, from the com. on corporations, reported the bill to incorporate the Demopolis Marine and Fire Insurance company, with an amendment granting the same powers, privileges and immunities to a company that may be established in the town of Jacksonville, in the county of Calhoun, to be called the Jacksonville Marine and Fire Insurance company; and thus amended, recommended its passage.

The report was concurred in, and the bill ordered to a third reading.

Mr. Walker, from the same committee, reported favorably on the bill to incorporate the Tennessee Valley Agricultural and Mechanical Association.

Mr. Jackson moved to amend by striking out "ten," in section 2, and inserting "twenty," which was adopted.

The bill was concurred in, and the bill ordered to a third reading.

Mr. McIntyre, from the judiciary committee, reported favorably on the House bill to prohibit the sale of spiritous liquors within one mile of the village of Clay Hill, in Pike county.

The report was concurred in, and the bill ordered to a third reading.

Mr. Walker, from the committee on corporations, reported favorably on the bill to repeal an act therein named.

The report was concurred in, and the bill ordered to a third reading.

Mr. Jemison, from the committee on finance and taxation, reported it as inconvenient to pass the bill to repeal section 391 of the Code.

The report was concurred in.

Mr. Jemison, from the same committee, reported favorably on the bill to authorize the qualified voters of each county to elect a tax assessor for the term of two years.

The report was concurred in, and the bill ordered to a third reading.

Mr. Toulmin, from the select committee, to which was referred the bill to authorize the election of inspectors of sawed lumber, square, navy, and other timber, and wood, reported as a substitute,

A bill to authorize the Commissioners of Revenue of Mobile county to elect an inspector of sawed lumber, square timber, &c.; which was adopted, and the bill ordered to a third reading.

On motion of Mr. Ceeke,

*Resolved*, That the committee on the judiciary be directed to inquire into the expediency of passing a law to prohibit the intermarriage of persons who are connected by blood, in this State, and that they be directed to report by bill or otherwise.

Message from the House by Mr. Brewer:

*Mr. President*: The House concurs in the resolution of the Senate, proposing that no election for solicitor of any judicial circuit of this State shall take place until the third week in January next.



The House has also amended and passed the Senate bill to authorize the administratrix of Webb B. Kidd to remove the administration from the county of Macon to the county of Shelby.

The Senate concurred in the amendment of the House to the above bill.

Mr. Austin asked leave of absence for Mr. McSpadden, which was granted.

On motion of Mr. Hill, the vote ordering the bill to incorporate the Columbiana insurance company, to a third reading, was reconsidered.

Mr. Calhoun offered the following amendment, which was adopted :

SEC. 12. *Be it further enacted*, That nothing in this act shall be so construed as to prevent the legislature hereafter from repealing said act.

Yeas—Messrs. President, Austin, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Jones of Fayette, Staton, Stone, Walker, Woodward.—17.

Nays—Messrs. Brewer, Chilton, Cocke, Horn, Jackson, Jemison, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Toulmin, and Wood.—13.

On motion of Mr. Jones of Greene, the consideration of the bill, with the amendment, was postponed until Wednesday next, 11 o'clock.

On motion of Mr. Walker, the vote ordering the bill to incorporate the Demopolis Marine and Fire Insurance company, together with the amendment of the committee to a third reading, was reconsidered; and on motion of

Mr. President, the consideration of the bill as amended was postponed until Wednesday next, 11 o'clock, and, made the special order for that hour.

Mr. Mitchell introduced a bill to make the testimony of negroes admissible against those white persons who adjudge themselves no better than negroes.

On motion of Mr. Bynum, the bill was laid on the table.

Yeas—Messrs. President, Austin, Brewer, Burnett, Bynum, Cleveland, Felder, Fleming, Griffin, Heflin, Hill, Jackson, Jones of Fayette, Nelson, Patton, Staton, Wood and Woodward.—18.

Nays—Messrs. Calhoun, Chilton, Cocke, Horn, Jemison, Jones of Greene, McIntyre, Mitchell, Stone Toulmin and Walker.—11.

The bills:

To incorporate the book and tract society of the Methodist Episcopal Church South, of the Alabama conference;

The better to secure the collection of certain taxes;

To amend an act granting the right of way to the Nashville and Chattanooga railroad, through Jackson county, and the privilege of constructing a bridge across Tennessee river in said county, approved Jan. 21, 1850;

To regulate election districts, and for other purposes;

To authorize Savannah, Griffin and North Alabama railroad company, of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee rivers railroad, between the town of Talladega, in the county of Talladega, and the town of Jacksonville, in the county of Calhoun;

Were severally read the third time and passed.

The House bill to revive and amend the North-Western railroad company, was read the first and second times, and referred to the committee on internal improvements.

Mr. Felder introduced the following resolution:

*Resolved*, That the committee on internal improvements be instructed to inquire into the propriety of paying John T. Miller for his survey and report below the Alabama and Tennessee rivers railroad to Montgomery, out of the unexpended balance of ten thousand dollars of the three per cent. fund appropriated by act approved 8th Feb., 1853, for making a reconnoissance for a route for a railroad from the Tennessee river to some point on the Alabama and Tennessee rivers railroad, and report by bill or otherwise.

Mr. Calhoun moved to amend by adding:

"And also as to the propriety of paying G. B. Yuille for the survey of the Selma and Gulf railroad, and all other surveys made within the last two years, out of the same unexpended balance of said fund."

Pending, the discussion of which resolution and amendment.

The Senate adjourned until 10 o'clock to-morrow morning.

SATURDAY, Nov. 26, 1859.

The Senate met pursuant to adjournment.

On motion of Mr. Mitchell, leave of absence was granted to Mr. Jemison.

Mr. Griffin introduced a bill to amend an act incorporating the town of Opelika, approved Feb. 9, 1854, which was read a first and second time, and referred to the committee on corporations.

Mr. Mitchell introduced a bill to repeal the 8th section of the second article of "An act to render more effectual the system of free public schools in the State of Alabama," approved Feb.

14, 1856, and for other purposes therein specified, which was read first time and ordered to a second reading.

The committee on enrolled bills reported as correctly enrolled—

The bill to allow the administratrix of Webb B. Kidd to remove the administration from the county of Macon to the county of Shelby.

Mr. Woodward, from the committee on roads, bridges and ferries, reported a substitute for the bill to amend section 1140 of the Code; which was adopted.

Mr. Griffin moved to amend as follows:

*Be it further enacted*, That the county of Russell be exempt from the provisions of this act.

Which was adopted, and the bill ordered to a third reading.

Mr. Walker, from committee on corporations, reported favorably on the bill to authorize the city council of Eufaula, to indemnify subscribers to certain stock in the South-Western railroad of the State of Georgia, and also to purchase the right of way for the extension of said road to the depot in said city.

The report was concurred in, and the bill ordered to a third reading.

On motion of Mr. Felder, the resolution offered by him on yesterday, in relation to paying John T. Milner for a certain survey, and the amendment offered thereto by Mr. Calhoun, were taken up.

The amendment was concurred in, and the resolution as amended, was adopted.

Mr. Calhoun, from the committee to prepare rules for the government of the Senate, reported that they have had the same under consideration, and recommend the rules of the last Senate as then amended, and also an additional rule, to come in at the last, as rule No. 45, and with this amendment, recommend their adoption, to-wit:

Rule No. 45.—Bills, after they shall have passed the two houses, and been examined and reported on by the committee on enrolled bills, shall be presented by a member of said committee to the President of the Senate for signature during the session of the Senate, and the President shall sign the same in the Senate chamber, and while the Senate is in session.

The report was concurred in, the amendment adopted, and the committee discharged from the further consideration of the subject.

The bills:

To authorize the qualified voters of each county to elect a tax assessor for the term of two years;

To authorize the commissioners of Mobile to elect an inspector of sawed lumber, square timber, etc., for said county;

To incorporate the Tennessee Valley agricultural and mechanical association;

And the house bill:

To prohibit the sale of spirituous liquors within one mile of Clay Hill, in the county of Pike;

Were severally read a third time and passed.

The bill:

To repeal an act therein named, was read a third time.

Mr. Cocke moved to amend the caption by striking out the words "therein named," and substituting the words "incorporating the town of Dadeville."

The amendment was adopted and the bill passed.

The bill to repeal an act therein named, approved February 5th, 1858, was read a third time.

Mr. Cocke moved to amend the caption by striking out the words after the word "bill," and substituting the words "to extend the term of the city court of Mobile."

The amendment was adopted, and the bill passed.

The bills:

To incorporate the Lafayette insurance company;

To incorporate the town of Montevallo;

Were severally read the second time and referred to the committee on corporations.

The bill:

To loan a portion of three per cent. fund to the North-east and South-west Alabama railroad company, was read a second time and referred to the committee on internal improvements.

The bill:

To amend sections 1136 and 1137 of the Code of Alabama, was read a second time and referred to the committee on roads, bridges and ferries.

The bill:

To provide for the election of auditor and assessor of taxes in the county of Mobile, was read a second time and referred to the committee on finance and taxation.

Mr. Higgins introduced a bill to amend section 3704 of the Code, which was read the first and second times, and referred to the committee on the judiciary.

The Senate then adjourned until Monday morning ten o'clock.

MONDAY, Nov. 28, 1859.

The Senate met pursuant to adjournment.

The President laid before the Senate the proceedings of a meeting of many citizens of Butler county, held at the court house in Greenville, in relation to invalidated land entries; which were referred to the committee on federal relations, with instructions to report by memorial or otherwise.

Upon a call of the districts, the following bills were introduced:

Mr. Bullock: a bill to amend the charter of the Eastern Bank of Alabama;

Mr. Brewer: a bill to amend the road laws of this State;

Mr. Chilton: joint resolutions for the security and protection of said State by arming and disciplining the citizen soldiery of of this State;

Mr. Hill: a bill to prevent stock from being killed by dogs;

Mr. Stone: a bill to provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 469 of the Code;

Mr. Jackson: a bill to prevent the Northern Bank of Alabama, at Huntsville, from paying out the notes of banks of other States;

Mr. Austin: a bill amendatory of the act approved Dec. 12, 1857;

All of which were severally read the first time, and ordered to a second reading.

Mr. Rowe: a bill to incorporate the Opelika and Talladega railroad company, which was read the first and second times, and referred to the committee on corporations.

Mr. Nelson: a bill (accompanied with a petition) to change the line between the counties of Shelby and St. Clair, and for other purposes; which was read the first and second times, and referred to the committee on county boundaries.

Mr. Stone: a bill to impose a tax upon book, periodical and map agents, engaged in obtaining subscribers in the State of Alabama; which was read the first and second times, and referred to the committee on finance and taxation.

Mr. Patton: a bill to amend the charter of the North Alabama Telegraph Company, which was read the first and second times, and ordered to a third reading.

Mr. Bullock, from committee on the judiciary, to which was referred the petition of sundry citizens of Coosa county, in respect to the right of Hon. George E. Brewer to represent that county in the Senate, made the following report:

The committee on the judiciary, to whom was referred the petition of T. J. Beckham and fifteen other citizens of Coosa

county, in regard to the right of the Hon. George E. Brewer to hold his seat in this body as Senator from that county, have attentively considered the same, and instruct me to submit the following report, together with the accompanying resolution :

The facts, as set forth in the petition, and as conceded to be true, are, that Mr. Brewer was on the first Monday in August last elected Senator from Coosa, and that he did not attain the age of twenty-seven years until the latter part of the following October, a few days before the commencement of the session of the General Assembly, when he was sworn in, and assumed the duties of the office. The words of the constitution which it is contended disqualify him for the seat are found in the 12th section of of the third article, and are as follows: And no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-seven years.

But for this provision in respect to age, the voters of Coosa might, had they seen fit, have elected a white man of even less than twenty-one years to represent them in the Senate, and these words, as restrictive of popular rights, must be construed strictly, and confined to their fair and necessary signification. The question to be solved is, does the disqualification relate to the time of election or to the time of qualifying and assuming the functions of a Senator? If the former, then Mr. Brewer was clearly ineligible; but if the latter, having attained the required age when he was sworn in, in the absence of any other obstacle, he was competent to take and hold his seat.

The 26th section of the same article of the Constitution provides "that no person holding any lucrative office under the United States, (the office of postmaster excepted,) this State, or any other power, shall be eligible to the General Assembly." Had the framers of the Constitution used the same language in the 12th section, and declared that no person should be eligible to the Senate unless he had attained the age of twenty-seven years; it is indisputable that the disqualification would have attached to the time of election and not to the time of qualifying; and that the objection stated by the petitioners would be fatal to Mr. Brewer's title to his seat. Is not the fact that different terms were employed by those who must be presumed to have known their different import, persuasive of the conclusion that different points of time were contemplated to which the respective disqualifications, in the two sections, should refer? Again, in the very section under consideration, it is provided that no

person shall be a Senator unless he shall have been an inhabitant of this State two years next preceding his election—thus removing all doubt as to the period alluded to. It would not have been difficult to have made the words in question equally plain by inserting immediately before the words “shall have attained to the age of twenty-seven years” the additional words “at the time of his election.” Does not the omission of such words conduce to show that the disqualifications were designed to apply to different periods? Thus far the argument has proceeded upon the consideration of the language of the Constitution alone; but fortunately your committee have not been left in arriving at a conclusion to the light derived from a single source; a result which might thus have been well attained is abundantly fortified by precedent and authority. The 6th section of the first article of the Constitution of the United States, provides that no person holding any office under the United States shall be a member of either house during his continuance in office. Samuel Herreck was elected a member of Congress from Ohio in the month of October, 1816. The constitutional term of two years for which he was chosen, commenced on the 4th March, 1817; but the first session of Congress after his term thus commenced, occurred on the first day of December, 1817. At the time of his election he held the office of Attorney of the United States for the district of Ohio, and he continued to hold it until the 29th day of November, 1817, when he resigned it, just in time to qualify as a member on the first day of December. It was not denied that he had held, discharged the duties and received the emoluments of an office and for nearly nine months after the 4th of March, when the two years for which he was chosen commenced, and it was upon this ground that his election was contested. It will be observed that the words of the Constitution of the United States and those used in our own are precisely similar. In the one, “no person shall be a member,” in the other, “no person shall be a Senator.” The question raised in both cases is, when membership commences; and it was discussed freely and ably by the committee on elections in the House of Representatives, in their report to that body. As the decision of the House in favor of Mr. Herrick’s right to his seat is believed to have so far settled the question that it has never since been formally renewed in either branch of Congress, and as the reasoning is directly applicable to the matter under consideration, that your committee beg leave to make some extracts from that report as a part of their own.

“The act of becoming,” say the committee in that case, “in

reality a member of the House, depends wholly upon the will of the person elected and returned; election does not itself constitute membership, although the period may have arrived at which the Congressional term commences. This is evident from the consideration that all the votes given at an election may not be received by the returning officer in season to be counted, whereby a person not elected may be returned and take the seat of one who was duly elected. Neither does a return necessarily confer membership, for if he in whose favor it should be made should be prevented taking a seat at the organization of the House of Representatives, he might find upon presenting himself to qualify that his return had been suspended by the adoption of another person into the seat for which he was returned."

"Neither do election and return create membership; these actions are nothing more than the designation of the individual, who, when called upon in the manner prescribed by law, shall be authorized to claim title to a seat. This designation does not, however, create a perfect right, for a person may be selected by the people destitute of certain qualifications, without which he cannot be admitted to a seat. He is, nevertheless, so far the representative of those who elected him that no vacancy can exist until his qualification be adjudged by the House; yet it would be easy to state cases where he would not be permitted for a moment to occupy a seat, notwithstanding the regularity of his election and return. To no practical purpose could he have ever been a member. So, too, if a person duly qualified be elected and returned, and die before the organization of the House, he could not be said to have been a member of a body which had no existence until after his death."—Howard vs. Herrick, cases of contested elections in Congress, pp. 293-4.

In addition to what is here so forcibly urged, it may be well doubted whether there is under our constitution, any legal evidence that a person has accepted the office of Senator, save that of his qualifying, by consenting to take the required oath. Whether, therefore, an office be in the nature of a contract between the people and the officer, to which the assent of both parties must be proven before it can be valid, or of a gift, which cannot rest until there is an acceptance by the donee, in either case, it is only by this act of qualifying that the person elected becomes in truth, a Senator. In Great Britain there are statutes disqualifying persons holding certain offices under the crown from being members of the House of Commons, and it has been repeatedly decided that a person holding such office at the time of his election may, nevertheless, by first divesting himself of it,



take and hold his seat.—(Note to Dirvey's Acts of Parliament, p. 20.)

The whole current of authority, so far as your committee have been able to ascertain, forms the conclusion that the terms "no person shall be a Senator," as used in the constitution of Alabama, must be held to refer to the time of formally signifying his acceptance of the office, by qualifying to enter upon its duties, and not to the time of election. In "Cushing's elements of the law and practice of legislative assemblies," a recent work of approved merit, the rule is stated thus: When the language is that no person shall be a representative or Senator, or shall be entitled to a seat, or shall be a member unless, &c., in these cases the point of time to which the qualifications thus alluded to are to be referred, is that of being qualified and assuming the functions of a member.—(Cushing's Elements of Parliamentary Practice, sec. 68, p. 28.)

Your committee, therefore, have had no difficulty in determining, with the lights before them, Mr. Brewer's right to hold his seat in this body for the term fixed by the constitution; and they therefore instruct me to report the accompanying resolution, and recommend its adoption:

*Resolved*, That so far as appears from the facts related in the petition of certain citizens of Coosa county, which petition was by a vote of the Senate, referred to the committee on the judiciary, the Hon. George E. Brewer is entitled to hold his seat in this body for the term fixed by the constitution.

The report was concurred in, and the resolution adopted.

Mr. Bullock, from the committee on the judiciary, reported unfavorably on the bill for the relief of Nathaniel J. Nettles, of Macon county.

The report was concurred in, and the bill lost.

Message from the House by Mr. Elmore.

House of Representatives, Nov. 28, 1859.

Mr. President: The House has originated and passed bills of the following titles:

A bill to incorporate the Limestone county stock, agricultural and mechanical association.

A bill to compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road.

A bill to reorganize and fix the limits of holding the courts of chancery in the middle chancery division.

A bill to amend the charter of the town of Cahaba.

A bill to repeal in part an act therein named, and for other purposes.

A bill to incorporate the town of Newbern, in Greene county.

A bill to divorce Nancy Mitchell from G. W. Mitchell.

The House has adopted the following resolution:

*Resolved*, That a committee of five be appointed by the chair to act with a like committee on the part of the Senate, whose duty it shall be to make the necessary arrangements for the inauguration of the Governor elect, and the said committee is hereby vested with the powers usually exercised by like committees.

Messrs. Clitherall, Clayton, Irby, Davis and Barlow compose said committee on the part of the House.

The Senate concurred in the resolution, and the President appointed Messrs. Jones of Greene, Jackson, Cleveland, Bynum, and Stone, the committee on the part of the Senate.

The House has also adopted the following resolution:

*Resolved*, That (with the concurrence of the Senate,) the two Houses will meet in convention in the hall of the House of Representatives, on Monday the 28th inst., at 12 o'clock M., for the purpose of electing a chancellor of the Southern division.

Mr. Bullock moved to postpone the consideration of this resolution till Friday next, which was lost.

Yeas 13, nays 19.

Yeas—Messrs. President, Brewer, Bullock, Chilton, Cocke, Fleming, Griffin, Higgins, Horn, Jackson, Jemison, Jones of Greene and McIntyre.

Nays—Messrs. Austin, Bynum, Calhoun, Cleveland, Felder, Heflin, Hill, Jones of Fayette, McSpadden, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.

The resolution was concurred in, and ordered forthwith to the House.

The House has originated and passed a bill of the following title,

To give the probate judge of Pike county jurisdiction of the estate of James L. Crosswell, deceased.

The House bills:

To divorce Nancy Mitchell from her husband, George W. Mitchell;

To incorporate the town of Newbern, in Greene county;

To repeal in part an act therein named, and for other purposes;

To compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road;

To reorganize and fix the times of holding the courts of chancery in the middle division;

To amend the charter of the town of Auburn;

Were severally read the first time and ordered to a second reading.

The bill to incorporate the Limestone county stock, agricultural and mechanical association, was read three times forthwith, and passed.

Message from the Governor, by Mr. Phelan.

EXECUTIVE DEPARTMENT, }  
Nov. 28., 1859. }

*To the President of the Senate:*

I herewith submit to the Senate the report of the trustees of the University of Alabama.

Very respectfully, &c.,

A. B. MOORE.

The resolution proposing to elect a United States Senator on Monday, the 23d instant, to fill the vacancy occasioned by the expiration of the term of the Hon. Benjamin Fitzpatrick, on the 4th March, 1861, being the special order for the hour of 11 o'clock this day, the Senate proceeded to its consideration.

Mr. Walker moved to amend by striking out "23d," and inserting "30th," which was adopted, and the resolution, as amended adopted.

Yeas 23, nays 10.

Yeas—Messrs. Austin, Bullock, Burnett, Chilton, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker and Wood.

Nays—Messrs. President, Brewer, Bynum, Calhoun, Cleveland, Cocke, Jackson, Jemison, Stone and Woodward.

The House bill to give the judge of probate of Pike county, jurisdiction of James S. Crosswell, deceased, was read the first time and ordered to a second reading.

Mr. Bullock, from the committee on the judiciary, to whom was referred the bill to more effectually prevent burglary and enticing slaves away to non-slaveholding States, reported the following amendments, and as amended recommended its passage: In 2d section, between the words "to" and "a" insert the words "escape to;" 2, strike out "free" in 2d section, and insert "non-slaveholding."

The amendments were adopted, and the bill ordered to a third reading.

Mr. Walker, from the committee on corporations, to whom was referred the bill to amend the charter of the town of Demopolis, and to confer additional powers on the corporate author-

ities of said town, reported the same back with the following amendments, and as amended, recommended its passage, to-wit: Strike out all of the latter clause of the 1st section, after the word "that," in the 13th line of said section, and insert the following: "Every white male inhabitant of said town, who has resided within the corporate limits thereof three months, and in the State one year preceding an election, and who is a citizen of the United States, twenty-one years old, and who has paid his corporation taxes for the preceding year, shall be a qualified elector in said election."

The amendment was adopted and the bill ordered to a third reading.

Mr. Stone, from the committee on the judiciary, to whom was referred the bill for the relief Wm. J. Kennedy, reported a substitute therefor to be entitled, A bill for the relief of Wm. J. Kennedy; which was adopted, and the bill ordered to a third reading.

Mr. Toulmin, from the committee on propositions and grievances, to whom was referred the memorial of Drs. Amerine and Fannin, of Troy, Alabama, reported "a bill to compensate Drs. Amerine and Fannin," which was read a first time and ordered to a second reading.

Yeas 17, nays 14.

Yeas—Messrs. President, Bullock, Burnett, Chilton, Felder, Griffin, Horn, Jackson, Jemison, Jones of Greene, McIntyre, Mitchell, Rowe, Toulmin, Walker, Wood, and Woodward.

Nays—Messrs. Austin, Brewer, Bynum, Calhoun, Cleveland, Fleming, Heflin, Higgins, Hill, Jones of Fayette, McSpadden, Nelson, Patton, and Staton.

Message from the house by Mr. Elmore.

Mr. President: I am instructed by the House to invite the Senate into the hall of the House to proceed to the election of a chancellor of the Southern Division of Alabama at this hour.

The Senate then repaired to the hall of the House of Representatives, and the two houses in convention proceeded to the election of chancellor for the southern division of Alabama; Messrs. M. J. Saffold and Wade Keyes being in nomination.

Those who voted for Mr. Saffold are, Messrs. Austin, Burnett, Bynum, Calhoun, Cleveland, Felder, Heflin, Higgins, Hill, Jones of Fayette, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward,

of the Senate; and Messrs. Speaker, Abney, Aldridge, Bell, Bowen, Bowden, Bryan, Burgess, Bush, Calhoun, Carlyle, Chambers, Clapp, Clifton, Clitherall, Coleman, Cowan, Dark, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Griffin of Jackson, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Knox, Latham, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Overall, Ramsey, Scott, Seay, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, of the House—84.

Those who voted for Mr. Keyes are, Messrs. President, Brewer, Bullock, Chilton, Coeke, Fleming, Griffin, Horn, Jackson, Jemison, McIntyre, McSpadden, of the Senate; and Messrs. Barlow, Bibb, Bradley, Carter, Clayton, Cooper, Davidson, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Hobbs, Holley of Covington, Jones, Lane, Lowe, Oats, Parsons, Rice, Seale, Sherrod, Tate of Macon, Walden of Morgan, Walker, Whitfield, Wright, of the House—40.

Mr. Saffold having received a majority of the votes given, Mr. Speaker declared him duly elected chancellor of the southern chancery division of Alabama for the term prescribed by law.

The convention adjourned, and the Senate returned to its chamber.

Mr. McIntyre introduced a bill to incorporate the Quitman Rifles, in Pike county; which was read the first time, and ordered to a second reading.

On motion of Mr. Chilton, the vote referring the bill to incorporate the Opelika and Talladega railroad company to the committee on corporations, was reconsidered, and the bill referred to the committee on internal improvements.

The bill to amend 1140 of the Code was read the third time.

Mr. Jemison by engrossed rider as follows:

*Be it further enacted,* That the provisions of this act shall be applicable to all mechanics and to all persons employed at any steam or water mill, or any cotton mill, or other manufacturing establishment.

Which was read the first time.

On motion of Mr. Jones, of Greene, the bill and amendment were laid on the table.

The bill to authorize the city council of Eufaula to indemnify subscribers to certain stock in the South-western Railroad of the State of Georgia, and to purchase the right of way for the ex-

tension of said road to the depot in said city, was read the third time and passed.

The bill to repeal the 8th section of the 2d article of an act to render more efficient the system of free public schools in the State of Alabama, approved Feb. 14, 1856, and for other purposes therein specified, was read a second time and referred to the committee on education.

The Senate then adjourned until to-morrow morning ten o'clock.

TUESDAY, Nov. 28, 1859.

The Senate met pursuant to adjournment.

Mr. Bynum asked a suspension of a call of the districts to allow him to introduce a resolution, which was refused.

Upon a call of the districts, the following bills were introduced:

Mr. Burnett: a bill to incorporate the Greenville insurance company;

Which was read the first and second times and referred to the committee on corporations.

Mr. Burnett: a bill to authorize the trustees of township 14, range 13, to collect notes due said township;

Mr. Jones, of Fayette: a bill for the relief of Daniel Langford, of Fayette county;

Mr. Jackson: a bill for the relief of M. J. Ledbetter;

All of which were severally read a first time and ordered to a second reading.

Mr. Jones, of Fayette: joint resolutions for the purchase and distribution of Smith's Alabama Justice;

Which were read a first and second times, and referred to the committee on the judiciary.

Mr. Bullock, from the committee on the judiciary, reported adversely to the bill for the relief of the heirs of Wm. Edwards, Allsbrook, deceased.

The report was concurred in.

Mr. Bullock, from the same committee, reported favorably on the bill relating to incorporated companies.

The report was concurred in, and the bill ordered to a third reading.

Mr. McSpadden, from the committee on the judiciary, to whom was referred the bill to provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution, or the formation of a new constitution, reported back the same with the following amendment, and recommended its passage as amended, to-wit:

Strike out all the latter clause of section 2 and insert, "and also one delegate from each senatorial district of the State of Alabama; to compose, however, only one body."

Mr. Calhoun moved to postpone the consideration of the bill until the second Monday in December, which was lost.

Yeas 13, nays 18.

Yeas—Messrs. Burnett, Calhoun, Chilton, Cleveland, Higgins, Hill, Jemison, McSpadden, Patton, Toulmin, Walker, Wood, and Woodward.

Nays—Messrs. President, Bullock, Bynum, Cocke, Felder, Fleming, Gaiffin, Heflin, Horn, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Rowe, Staton, and Stone.

Mr. McIntyre moved to postpone until Monday, 7th December next, and made the special order for the hour of 12 o'clock of that day, which was carried.

Yeas 18, nays 13.

Yeas—Messrs. Bullock, Burnett, Calhoun, Chilton, Cleveland, Griffin, Higgins, Hill, Horn, Jemison, McIntyre, McSpadden, Patton, Staton, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. President, Brewer, Bynum, Cocke, Felder, Fleming, Heflin, Jackson, Jones of Greene, Mitchell, Nelson, Rowe, Stone.

On motion of Mr. Calhoun,

*Ordered*, That 266 copies of the bill be printed for the use of the Senate.

Yeas 21, nays 7.

Yeas—Messrs. President, Bullock, Burnett, Calhoun, Chilton, Fleming, Hill, Horn, Jackson, Jemison, McIntyre, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.—21.

Nays—Messrs. Bynum, Cocke, Felder, Griffin, Heflin, Jones of Fayette, Mitchell.—7.

On motion of Mr. Bullock, the Senate re-considered the vote refusing to order the bill for the relief of Nathaniel J. Nettles, of Macon county, to a third reading.

On motion of Mr. Cleveland, the consideration of the bill was postponed until Thursday, the 8th December, 11 o'clock, and made the special order for that hour.

The hour of 12 o'clock having arrived, Mr. Jones, of Greene, asked a suspension of the general orders to allow him to make a report from a special committee; which was granted. Whereupon he made the following report:

The joint committee to whom was assigned the duty of making arrangements for the inauguration of the Governor, instruct

me to report that, in the performance of that duty, they have selected Gen. H. P. Watson, as Marshal of the day, Rev. Dr. Petrie, as Chaplain; the "Montgomery True Blues," Captain Lomax, as the escort.

The procession will move from the "Montgomery Hall," at 11 o'clock, A. M., on Thursday next, and will be received by the two Houses in convention. The particular details will depend on the weather at the time, and will be announced to each House on their meeting on Thursday.

The report was concurred in.

Message from the Governor, by Mr. Phelan :

Mr. President: His Excellency the Governor has approved a bill which originated in the Senate, entitled "an act to authorize the administratrix of Webb B. Kidd, deceased, to remove the administration from the county of Macon to the county of Shelby."

The Senate proceeded to the consideration of the general orders.

The biennial report of the trustees of the University was referred to the committee on education.

The bills:

To amend the charter of the North Alabama Telegraph company;

To amend the charter of the town of Demopolis, and to confer additional powers on the corporate authorities of said town;

For the relief of William J. Kennedy;

Were severally read the third time and passed.

The bill more effectually to prevent burglary and enticing slaves away to a free State; was read a third time and passed.

On motion of Mr. McSpadden, the word "free" in the title of said act was stricken out, and "non-slaveholding" inserted.

The bills:

To divorce Nancy Mitchell from G. W. Mitchell;

To repeal in part an act therein named;

Were severally read the second time and ordered to a third reading.

The House bills:

To amend the charter of the town of Cahaba;

To incorporate the town of Newbern, in Greene county;

Were read the second time and referred to the committee on corporations.

The House bill to re-organize and fix the times of holding the chancery courts in the middle chancery division, was read a



second time and referred to a special committee, composed of Senators representing the counties in said division.

The House bill to compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road, was read a second time and referred to the committee on internal improvements.

The House bill to give the probate judge of Pike county jurisdiction of the estate of James S. Crosswell, deceased, was read a second time, and referred to the committee on the judiciary.

The bill to incorporate the Quitman Rifles, in Pike county, was read a second time and referred to the committee on the Military.

The bills to compensate Drs. Amerine and Fannin, was read a second time.

Mr. Cocke moved to amend as follows:

"SEC. 3. *Be it further enacted*, That the physicians named in the above section, shall make out a bill against each and all of the patients who were treated by them, and collect as much as they can of said bills; and if they do not collect the amount specified in the above section, the Controller shall draw his warrant on the treasurer for the balance of the amount specified in the above section."

The Senate refused to adopt the amendment. The Senate also refused to order the bill to a third reading.

Yeas 16, nays 16.

Yeas—Messrs. Bullock, Burnett, Chilton, Cocke, Felder, Griffin, Horn, Jackson, Jemison, McIntyre, Mitchell, Rowe, Stone, Toulmin, Wood, Woodward.—16.

Nays—Messrs. President, Austin, Brewer, Bynum, Calhoun, Cleveland, Fleming, Heflin, Higgins, Hill, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Staton.—16.

The Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Nov. 30, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts the following bills were introduced.

Mr. Toulmin: A bill to incorporate the Merchants' Bank of Mobile.

Mr. Patton: A bill to protect and regulate the currency of Alabama.

Which were read a first and second times and referred to the committee on banks and banking.

Mr. Stone: a bill to provide for a more uniform currency of the banks of the State, by requiring a redemption at par of their bills in the city of Mobile.

Mr. Patton: A bill to authorize the compilation and printing of the revenue laws.

Which were read the first time and ordered to a second reading.

Mr. McSpadden: A bill to exempt certain property from levy and sale; which was read the first and second times and referred to the committee on the judiciary.

Mr. Bynum presented the memorial of a large number of citizens of the county of Walker, asking the General Assembly to establish a branch of the chancery court of the State of Alabama at the town of Jasper, in said county of Walker; which was referred to a select committee composed of one from each chancery district, to whom was referred the House bill to organize and fix the times of holding the chancery courts in the middle division of Alabama.

Mr. McSpadden, from the committee on the judiciary, reported adversely to the joint resolutions proposing an amendment to the constitution.

On motion of Mr. Brewer, the joint resolutions and the report were laid on the table.

On motion of Mr. Jones, of Greene, the vote refusing to order to a third reading the bill to compensate Doctors Amerine and Fannin, was re-considered, and the bills placed among the general orders.

Mr. Jones, of Greene, from the committee on internal improvements, to whom was referred the bill to revive and amend the North Western railroad company, reported the same back, and recommend that it be amended by striking out all of section 8, after the words "said company," in the 19th line in said section, and thus amended that it pass.

The bill was re-committed to the same committee.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, for that hour it being the bill

To incorporate the Columbiana Insurance company.

The question being on the amendment offered by Mr. Calhoun, to wit: "*Section 13: Be it further enacted, That nothing in this act shall be so construed as to prevent the Legislature from altering or amending said act.*"

Mr. Cocke moved to amend the amendment as follows: "Provided said corporation at any time transcends its chartered rights."

Mr. Calhoun moved to lay Mr. Cocke's amendment on the table.

Mr. Jemison moved to lay both amendments on the table.

Mr. Bynum called for a division; the question being, shall Mr. Calhoun's amendment be laid on the table, which was carried.

Mr. Calhoun moved to re-consider the vote laying on the table his amendment; which was lost.

Mr. Jones, of Greene, moved to strike out "25", where it occurs in the 9th section, and insert "15," which was adopted.

The Senate refused to order the bill to a third reading.

Yeas 16, nays 16.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Cocke, Griffin, Horn, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Toulmin, Walker.—16.

Nays—Messrs. President, Austin, Bynum, Calhoun, Cleveland, Fielder, Fleming, Heflin, Hill, Jackson, Jones of Fayette, Rowe, Staton, Stone, Wood, Woodward.—16.

The special order for the same hour, it being the bill to incorporate the Demopolis Marine and Fire Insurance company, was laid on the table.

Mr. Cocke, from the committee on accounts and claims, to whom was referred the account of J. H. Ferguson, jailor of Coosa county, reported that it was inexpedient to pay the same, as it was not provided for by law.

Mr. Brewer moved to lay the report on the table, which was lost. The report was then concurred in.

Mr. Walker, from the committee on corporations, to whom was referred the bill to incorporate the town of Montevallo, reported the following amendment, and as amended recommended its passage, to wit:

"Sec. 13. *Be it further enacted*, That nothing in this act shall be so construed as shall authorize said company to extend its limits over the Alabama and Tennessee Rivers railroad for the purpose of taxing said railroad company."

The amendment was adopted, and the bill ordered to a third reading.

Mr. McIntyre, from the committee on corporations, to whom was referred the bill to amend an act incorporating the town of Opelika, approved Feb. 9, 1854, reported the following amendment thereto, and as amended recommended its passage, to wit: Amend section 9 by adding—"Provided, the owners of the real estate within the limits over which the corporation is proposed to be extended, first unanimously consent to the extension: Provided further, that said corporation shall not impose

any tax upon the railroad for property thereof, or privileges thereof, now existing, which passes through said corporate limits."

Mr. Griffin moved to lay the amendment on the table; which was lost.

The amendment was adopted, and the bill ordered to a third reading.

On motion of Mr. Bynum,

*Resolved*, That the committee on federal relations to enquire what action, if any, is necessary and proper to be taken by this General Assembly in anticipation of the probable success in the approaching presidential election of a sectional northern candidate upon a sectional northern platform, with leave to report by bill, joint resolutions, or otherwise.

Mr. Bullock, from the joint committee of the two Houses, to whom was referred the bill to lay off and divide the State of Alabama into eleven judicial circuits, reported a substitute therefor, with the same title, and thus amended recommended its passage.

The substitute was adopted.

Mr. Jones, of Fayette, moved to postpone the consideration of the bill until Friday next, and print 133 copies. A division of the question being called for, the question to postpone was put, which was lost.

Mr. Burnett moved to postpone until Saturday, which was lost.

Mr. Cocke moved to re-commit the bill to the committee on the judiciary, with instructions to bring in a bill to equalize the labors of the judges in the nine circuits, and raise their salaries to three thousand dollars.

Mr. Bullock moved the previous question, which was sustained, and the question being,

Shall the main question be now put?

Lost.

Yeas 15, nays 18.

Yeas—Messrs. Austin, Brewer, Bullock, Chilton, Cleveland, Fleming, Horn, Jones of Greene, McIntyre, Mitchell, Nelson, Rowe, Toulmin, Walker, Wood.—15.

Nays—Messrs. President, Burnett, Bynum, Calhoun, Cocke, Felder, Griffin, Heflin, Higgins, Hill, Jackson, Jemison, Jones of Fayette, McSpadden, Patton, Staton, Stone, Woodward.—18.

The question then recurred on the motion of Mr. Cocke.

Mr. Burnett moved to amend Mr. Cocke's motion by substituting therefor as follows:

"That the bill be re-committed to the judiciary committee

with instructions to report a bill equalizing the labors of the judges as nearly as possible, and increasing their salaries to such an amount as they may deem proper."

On motion of Mr. Rowe, the amendment and the substitute were laid on the table.

Mr. Jones moved to amend by striking out "Winston" and "Marion" in the 3d and 4th circuits, wherever they occur, and insert Marion in the third and Winston in the fourth circuit.

On motion of Mr. Bullock, the amendment was laid on the table.

The bill was then ordered to be engrossed for a third reading.

Yeas 20, nays 12.

Yeas—Messrs. President, Austin, Brewer, Bullock, Calhoun, Chilton, Cleveland, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Burnett, Bynum, Cocke, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Jones of Fayette, Staton, Stone.

On motion of Mr. Jones of Greene, the bill refusing to order the bill incorporating the Columbiana Insurance company to a third reading was reconsidered.

The question then recurred on ordering the bill to a third reading, which was carried.

Yeas 19, nays 13.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Higgins, Horn, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Wood.

Nays—Messrs. President, Austin, Bynum, Calhoun, Cleveland, Fleming, Griffin, Heflin, Hill, Jackson, Jones of Fayette, Staton, Woodward.

On motion of Mr. Jones of Greene, the vote laying on the table the bill to incorporate the Demopolis Marine and Fire Insurance company was reconsidered.

Mr. Jones of Greene, moved to amend as follows:

"Sec. 15. *Be it further enacted*, That this charter shall be limited to fifteen years."

Which was adopted.

On motion of Mr. Walker, section 14 was stricken out.

Yeas 19, nays 12.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Higgins, Hill, Horn, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Toulmin, Walker, Wood.

Nays—Messrs. President, Austin, Bynum, Calhoun, Cleve-

land, Fleming, Griffin, Heflin, Jones of Fayette, Rowe, Staton, Woodward.

The bill was ordered to be engrossed for a third reading.

Yeas 18, nays 13.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Felder, Higgins, Horn, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Wood.

Nays—Messrs. President, Austin, Bynum, Calhoun, Cleveland, Fleming, Griffin, Heflin, Hill, Jackson, Jones of Fayette, Staton, Woodward.

Mr. Higgins moved to adjourn; which was lost.

Yeas 7, nays 26.

Yeas—Messrs. Bynum, Cleveland, Fleming, Griffin, Higgins, Jones of Greene, Stone.

Nays—Messrs. President, Austin, Brewer, Bullock, Burnett, Calhoun, Chilton, Cocke, Felder, Heflin, Hill, Horn, Jackson, Jemison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, Woodward.

The bill relating to incorporated companies; and

The House bill to repeal, in part, an act therein named, and for other purposes;

Were read the third time and passed.

The House bill to divorce Nancy Mitchell from G. W. Mitchell, was read the third time and passed.

Yeas 23, nays 6.

Yeas—Messrs. President, Austin, Brewer, Bullock, Burnett, Bynum, Chilton, Cocke, Felder, Griffin, Heflin, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, Nelson, Patton, Staton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Hill, McIntyre, McSpadden, Rowe, Woodward.

The bills:

Amendatory of the act approved December 12th, 1857;

For the relief of M. J. Ledbetter;

Were read the second time, and referred to the committee on the judiciary.

The bill to prevent stock from being killed by dogs, was read a second time and referred to the committee on propositions and grievances.

The bill to amend "an act to authorize the trustees of township 14, range 13, to collect notes due said township," was read a second time and referred to the committee on sixteenth sections; as was also,

The bill for the relief of Daniel Lankford, of Fayette county.

The bill to provide for the sale of lands purchased by the State at tax sales, which have not been redeemed under section 469 of the Code, was read a second time and referred to the committee on finance and taxation.

The bills :

To amend the charter of the Eastern Bank of Alabama ;

To prevent the Northern Bank of Alabama, at Huntsville, from paying out the notes of banks of other States, was read the second time and referred to the committee on banks and banking.

The bill amending the road laws of the State, was read the second time and referred to the committee on roads, bridges and ferries.

The joint resolutions providing for the security and protection of said State by arming and disciplining the citizen soldiery thereof, was read the second time and referred to the committee on the military.

Mr. McIntyre introduced :

A bill to enlarge the powers of Register's in Chancery, and to provide a new rule in relation to the statement of accounts before him ; which was read the first time, and ordered to a second reading.

The Senate then adjourned until to-morrow morning 10 o'clock.

Yeas 29, nays 3.

Yeas—Messrs. President, Austin, Brewer, Bullock, Burnett, Calhoun, Chilton, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.—29.

Nays—Messrs. Bynum, Higgins, McIntyre.—3.

THURSDAY, Dec. 1, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced :

Mr. Bullock : A bill more effectually to prevent the crime of incest :

Mr. Walker : A bill to repeal "an act to regulate fees for marriage license in Benton county ;"

Which were read and ordered to a second reading.

Mr. Heflin ; A bill to lend a portion of the three per cent. fund to the Opelika and Oxford railroad company, which was read twice and referred to the committee on internal improvements.

Mr. Bullock, from the committee on the judiciary, to whom was referred the joint resolutions for the purchase and distribution of Smith's Alabama justice, reported the same back, with the following amendment, and recommended its passage, to-wit: 1. Fill blank in 1st resolution with "fifteen hundred." 2. At end of the first resolution add as follows, to-wit: "and shall be as well printed and bound as the revised edition of 1859, copies of which have been exhibited by the author."

Which was adopted.

Mr. Chilton moved to amend as follows:

"5th. *Be it further resolved*, That the justices to whom said book may be distributed shall take good care of them, and deliver them over to their successors respectively upon going out of office."

Which was adopted.

Mr. Jones, of Greene, from the select joint committee made the following report:

"The joint committee of arrangements for the inauguration of the Governor elect, in addition to the report heretofore made, instruct me to report that the two Houses, on the approach of the procession, will repair to the front of the capitol and escort the Governor to the representative hall, where the inauguration will take place."

The report was concurred in.

The joint select committee on the part of the Senate asked leave to repair to the Governor's quarters; which was granted.

Mr. Bullock, from the committee on the judiciary, reported adversely to the bill to amend section 3704 of the Code.

The report was concurred in.

Mr. Bullock, from the same committee, to whom was referred a resolution instructing and inquiring into the expediency of prohibiting the intermarriage of persons who are connected by blood, reported that it is inexpedient to legislate further on that subject.

The report was concurred in.

Mr. Bullock, from the same committee, to whom was referred the remonstrance and petition of J. H. Dearing, and twenty-seven other citizens of Tuskaloosa, reported the following bill, in accordance with the prayer of said petition, and recommended its passage, to-wit:

A bill to amend section 1255 of the Code of Alabama; and also, the act amendatory thereof, approved February 24th, 1854.

The bill was read and ordered to a second reading.

Mr. McIntyre, from the same committee, reported favorably



on the House bill to give the probate judge of Pike county, jurisdiction of the estate of James S. Croswell.

The bill was ordered to a third reading.

Mr. Stone, from the same committee, reported favorably on the bill to authorize the judges of the circuit courts to preside in their own circuits without interchanging with each other.

The bill and report were postponed until Tuesday next, and made the special order for the hour of 12 o'clock on that day.

Mr. McSpadden, from the select committee, made the following report:

The committee whose duty it was to invite the clergy of the city to attend at the Senate chamber and open the session with prayer, have learned with regret that it is inconvenient for the clergy to accept the invitation.

The report was laid on the table.

On motion of Mr. Patton:

*Resolved*, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of so revising and amending the road laws of this State, as to authorize the commissioners' courts of the respective counties, to lay a uniform tax for the purpose, by contract or otherwise, of working and keeping in order the public roads of the several counties of this State; and that said committee have leave to report by bill or otherwise.

The Senate then took a recess for fifteen minutes.

At five minutes before 11 o'clock the Senate was called to order.

On motion of Mr. McIntyre, the vote ordering to a third reading, the bill to amend an act incorporating the town of Opelika, approved February 9th, 1854, together with the vote adopting the amendments made thereto, was reconsidered.

A message was here received from the House, by Mr. Brewer, inviting the Senate into the hall of the House for the purpose of participating in the inauguration of the Governor elect.

Thereupon the Senate repaired to the hall of the House of Representatives, when the two Houses, in accordance with the arrangements of the joint committee, repaired to the front of capitol, and escorted the Governor into the hall of the House; when, after prayer by the Rev. Dr. Petrie, the Governor delivered his inaugural address, and, in the presence of the two Houses, the oaths of office were administered to him by the Speaker of the House of Representatives.

After which the Senate repaired to its chamber.

On motion:

*Ordered*, That three thousand three hundred copies of the

Governor's inaugural address be printed for the use of the Senate.

The Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Dec. 2, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Chilton: A bill to incorporate the Alabama Baptist State Convention; also,

A bill to authorize the Governor to loan arms and accoutrements to Paul W. Dodson, principal of the Tuskegee Collegiate Institute, in the county of Macon.

Mr. Jones, of Greene: A bill to revive and amend the charter of the Greensboro' Cavalry company.

Mr. Mitchell: A bill for the protection of witnesses, and alter and amend section 2304 of the Code.

Mr. Jones, of Fayette: A bill for the relief of John S. White, of the county of Marion.

Mr. Rowe: A bill to change the name of the "Grafenberg Medical Institute," to "Alabama Medical University."

All of which were severally read and ordered to a second reading.

Mr. Chilton: a bill to authorize Robert Dougherty, trustee, to sell a portion of the trust estate, and to invest the proceeds of such sale; which was read a first, second and third times, and passed.

Mr. Woodward presented the memorial of J. C. Whilsitt, Robert Craig, and others, president and directors of the Mississippi, Gainesville and Tuscaloosa railroad company; which was referred to the committee on internal improvements.

Mr. Walker: a bill to authorize the Georgia Western railroad company to construct their road from the Georgia line through the county of Calhoun to the town of Oxford or Jacksonville, on the Alabama and Tennessee Rivers Railroad.

Which was read twice, and referred to the committee on internal improvements.

Mr. Jemison: petition of the Women's Rights convention, held in the city of New York May 12, 1859; which the Senate refused to consider.

Mr. Jones, of Fayette: petition of V. I. McGill and S. C. Foster, which was referred to the committee on propositions and grievances.

Mr. Bullock, from the committee on the judiciary, to whom

was referred the bill to regulate the pay of solicitors of the several circuits, and of the attorney general, and prescribing the duties of the latter officer, reported a substitute therefor, and recommended its passage, to-wit:

A bill to define the duties and fix the compensation of the attorney general.

Mr. Cocke moved to postpone indefinitely the report and amendment, which was lost.

Yeas 14, nays 17.

Yeas—Messrs. President, Brewer, Bynum, Cleveland, Cocke, Fleming, Heflin, Higgins, Hill, Jackson, Jones of Fayette, Staton, Stone.

Nays—Messrs. Bullock, Calhoun, Chilton, Felder, Horn, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Wood, Woodward.

Mr. Rowe moved to lay the substitute on the table, which was lost.

Yeas 13, nays 17.

Yeas—Messrs. President, Brewer, Bynum, Chilton, Cocke, Fleming, Higgins, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, Rowe.

Nays—Messrs. Bullock, Calhoun, Cleveland, Felder, Heflin, Horn, McIntyre, McSpadden, Mitchell, Nelson, Patton, Staton, Stone, Toulmin, Walker, Wood, Woodward.

Mr. Jemison offered the following amendment, which was adopted:

Between the words "Alabama" and "for," in the second section, insert the words, "And shall also be required to act as counsel for the State in the court of chancery held at the seat of government, whenever it shall be necessary."

The substitute as amended was then adopted, and the bill ordered to a third reading.

Yeas 16, nays 14.

Yeas—Messrs. Bullock, Calhoun, Chilton, Felder, Horn, Jemison, Jones of Greene, McIntyre, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Wood, Woodward.

[Nays not given on the journal.—*Copyist.*]

Mr. Jemison, from the committee on finance and taxation, made the following report:

The committee on finance and taxation, to whom was referred the bill to amend section 43 of the Code, have had the same under consideration; and though the reference was unaccompanied by any specific instructions, your committee regard the object of the commitment, as expressed by its mover and friends,

as indicative, if not directory, that they inquire into and report upon the following points :

First : The relative length of the sessions and relative cost of per diem and mileage of the members and officers of the General Assembly of the State, at the sessions held before and since the taking of recesses by that body.

Secondly : The mode of computing and charging mileage.

To give this information in the most condensed and intelligible form, your committee have prepared and submit herewith three tabular statements.

The first of them (marked "A,") shows the aggregate amount paid the members and officers of the General Assembly for each of the six sessions of the General Assembly from 1847-8 to 1857-8, inclusive, embracing three sessions before and three sessions since the introduction of recesses, shortened from twelve to twenty days ; and that the gross amount paid members and officers has been about the same since and before. The amount for the three sessions immediately preceding the first recess was \$169,767.82 ; the three since, \$170,000.00 ; showing a difference in favor of the former of only \$322.18, or \$82.15 per session.

The second table (marked "B,") gives the mileage charged in seven counties for five consecutive sessions, commencing with the session of 1849-50 and ending with 1857-58. It will be seen that in these counties there has, within the last five years, been an increase in the distances for which mileage is charged of more than seventy per cent. This increase is owing to the fact that a railroad communication has been opened to the members from those and other counties, which, though much more circuitous than the routes previously traveled, is quicker and more comfortable. The existence of such increased facilities for travel in some portions of our State, and not in others, has rendered very unequal the compensation received by members in the way of mileage. For instance, the member by railroad will travel four hundred miles in one day, and the member by stage coach one hundred miles. The former receives by way of mileage \$80.00, and pays fare \$16.00, and for meals \$1.50, making \$17.50—leaving \$52.50 to him free of all expense. The latter pays fare \$10.00, meals \$1.50, making \$11.50, and receives mileage \$20.00—leaving to him free of expense \$9.50 ; making in the compensation of the two a difference of \$53.00 per diem.

The third statement (marked "C,") gives the distances adopted by the committee to regulate mileage hereafter, the distances by which tax collectors are paid, and the distances by which the members of the last General Assembly were paid, arranged in

separate columns. The committee arrive at their distances by measuring the air line distances on Cram's map of the State, from the seat of government to the seat of justice in the several counties, and adding 25 per cent. thereto. The distances in the second and third columns are taken from the books of the comptroller's office. By comparison it will be seen that between the distances adopted by the committee and those by which tax collectors are paid, there is, except in very few instances, very slight variation; there being an aggregate difference of only 133 miles, an average difference per county of less than 2 1-3 miles; whilst the aggregate difference, as compared with the mileage list of members, is 4,247 miles, or an average per county of about 83 1-3 miles.

The excess, counting 133 senators and representatives, amounts to an aggregate of 11,071 miles, the double of which is 22,142 miles. This at 20 cents per mile is \$4,428.40, now paid members [allowing nothing for mileage at recess,] more than would be paid under the mode adopted by the committee for estimating mileage hereafter; and taking into computation mileage for recess, this amount would be again doubled, giving the sum of \$8,856.80. The law prescribing the mode of estimating mileage of members of the General Assembly is found in section 43 of the Code, and directs that the distance shall be estimated "*by the direct mail route, if any; and if not, by the land route usually traveled.*" The law prescribing the mode of estimating mileage of tax collectors is contained in section 496 of the Code, and directs that the distance shall be estimated "*by the direct mail route, if there be one; and if not, by the land route usually traveled.*" The identity of the phraseology in these two sections will not admit of different interpretations. And yet we see from the facts submitted, the irregularities and inequalities which have grown up under them, and which are from session to session increasing. With a view to correct these discrepancies, and as far as practicable to render uniform the compensation of members, your committee have instructed me to report the accompanying substitute for the bill committed to us, and recommend its passage:

#### TABULAR STATEMENT—A.

|                     |         |             |              |
|---------------------|---------|-------------|--------------|
| Session of 1847-'48 | 92 days | \$55,157.51 |              |
| Session of 1849-'50 | 94 days | 58,470.21   |              |
| Session of 1851-'52 | 93 days | 56,189.60   |              |
|                     |         |             | \$169,767.82 |
| Session of 1853-'54 | 78 days | \$54,571.20 |              |
| Session of 1855-'56 | 80 days | 56,611.00   |              |
| Session of 1857-'58 | 73 days | 58,907.80   |              |
|                     |         |             | \$170,090.00 |

## STATEMENT B.—MILEAGE DRAWN.

| Counties.      | Session<br>1849-'50. | Session<br>1851-'52. | Session<br>1853-'54. | Session<br>1855-'56. | Session<br>1857-'58. |
|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Jackson,.....  | 660                  | 420                  | 830                  | 850                  | 1400                 |
| Franklin,..... | 600                  | 600                  | 1260                 | 1500                 | 1900                 |
| Lauderdale.... | 600                  | 600                  | 1200                 | 1600                 | 2000                 |
| Lawrence.....  | 600                  | 600                  | 1200                 | 1200                 | 1900                 |
| Limestone....  | 480                  | 440                  | 1100                 | 1000                 | 1800                 |
| Madison.....   | 420                  | 440                  | 960                  | 1000                 | 1750                 |
| Morgan.....    | 420                  | 500                  | 1200                 | 1300                 | 1740                 |

## TABULAR STATEMENT—C.

| Counties.       | Committees<br>distance. | Tax collectors<br>distance. | Members' dis-<br>tance. |
|-----------------|-------------------------|-----------------------------|-------------------------|
| Autauga,.....   | 30                      | 36                          | 11                      |
| Baldwin,.....   | 180                     | 175                         | 230                     |
| Barbour,.....   | 95                      | 101                         | 160                     |
| Bibb,.....      | 75                      | 70                          | 81                      |
| Blount,.....    | 150                     | 149                         | 353                     |
| Butler,.....    | 53                      | 46                          | 50                      |
| Calhoun,.....   | 128                     | 120                         | 204                     |
| Chambers,.....  | 83                      | 90                          | 101                     |
| Cherokee,.....  | 159                     | 160                         | 232                     |
| Choctaw,.....   | 145                     | 150                         | 176                     |
| Clarke,.....    | 121                     | 130                         | 343                     |
| Coffee,.....    | 83                      | 82                          | 85                      |
| Conecuh,.....   | 98                      | 100                         | 122                     |
| Coosa,.....     | 45                      | 40                          | 51                      |
| Covington,..... | 90                      | 85                          | 85                      |
| Dale,.....      | 105                     | 100                         | 148                     |
| Dallas,.....    | 60                      | 53                          | 50                      |
| DeKalb,.....    | 173                     | 190                         | 300                     |
| Fayette,.....   | 158                     | 174                         | 275                     |
| Franklin,.....  | 210                     | 222                         | 474                     |
| Greene,.....    | 120                     | 125                         | 85                      |
| Henry,.....     | 105                     | 173                         | 205                     |
| Jackson,.....   | 203                     | 200                         | 360                     |
| Jefferson,..... | 105                     | 100                         | 140                     |

## TABULAR STATEMENT C—CONTINUED.

| Counties.             | Committees<br>distance. | Tax collectors<br>distance. | Members' dis-<br>tance. |
|-----------------------|-------------------------|-----------------------------|-------------------------|
| Lauderdale, . . . . . | 225                     | 250                         | 500                     |
| Lawrence, . . . . .   | 195                     | 220                         | 475                     |
| Limestone, . . . . .  | 214                     | 220                         | 434                     |
| Lowndes, . . . . .    | 25                      | 24                          | 24                      |
| Macon, . . . . .      | 245                     | 48                          | 50                      |
| Madison, . . . . .    | 203                     | 200                         | 417                     |
| Marshall, . . . . .   | 173                     | 194                         | 406                     |
| Marengo, . . . . .    | 105                     | 110                         | 150                     |
| Marion, . . . . .     | 189                     | 189                         | 250                     |
| Mobile, . . . . .     | 185                     | 200                         | 250                     |
| Monroe, . . . . .     | 101                     | 110                         | 145                     |
| Montgomery, . . . . . | 00                      | 00                          | 00                      |
| Morgan, . . . . .     | 187                     | 175                         | 435                     |
| Perry, . . . . .      | 75                      | 66                          | 66                      |
| Pickens, . . . . .    | 150                     | 150                         | 175                     |
| Pike, . . . . .       | 60                      | 50                          | 50                      |
| Randolph, . . . . .   | 105                     | 100                         | 124                     |
| Russell, . . . . .    | 83                      | 80                          | 83                      |
| Shelby, . . . . .     | 95                      | 70                          | 124                     |
| St. Clair, . . . . .  | 128                     | 118                         | 172                     |
| Sumter, . . . . .     | 135                     | 139                         | 150                     |
| Talladega, . . . . .  | 94                      | 85                          | 163                     |
| Tallapoosa, . . . . . | 60                      | 55                          | 66                      |
| Tuscaloosa, . . . . . | 113                     | 120                         | 138                     |
| Walker, . . . . .     | 143                     | 165                         | 400                     |
| Washington, . . . . . | 143                     | 125                         | 298                     |
| Wilcox, . . . . .     | 75                      | 90                          | 100                     |
| Winston, . . . . .    | 188                     | 200                         | 500                     |

Mr. Jones, of Greene, moved to postpone the consideration of the bill and report until the second Monday in December next, and print 133 copies for the use of the Senate; which was carried.

Mr. Jemison, from the committee on finance and taxation, to whom was referred the bill to incorporate and aid the Agricultural and Horticultural Society of West Alabama, reported that they had amended the same by striking out the last two sections, and thus amended recommended its passage. The report was concurred in, and the bill ordered to a third reading.

Mr. Jemison, from the same committee, to whom was referred the bill to regulate taxes on railroads within this State, reported a substitute therefor, and recommended its passage. The substitute was adopted, and the bill ordered to a third reading.

Mr. Jones, of Greene, from the committee on internal improvements, reported favorably on the House bill to compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road. The bill was ordered to a third reading.

Mr. Jemison, from the committee on finance and taxation, to whom was referred the bill to increase the tax on pedlars in the county of Dale, reported that the objects of said bill are attained by the provisions of a general bill on the subject which he had been instructed to report. The bill and report were laid on the table.

Mr. Jones, of Greene, from the committee on internal improvements, to whom was referred a resolution to enquire into the propriety of paying John T. Milner for his surveys and report below the Alabama and Tennessee Rivers railroad to Montgomery, &c., reported the same back and recommended that it do not pass. The report was concurred in.

Mr. Toulmin, from the committee on propositions and grievances, to whom was referred the bill to prevent stock from being killed by dogs, reported the same back with the following amendment, and as amended recommended its passage: In section 1, strike out the words "He shall be liable to the owner for double the value of such sheep or other stock so killed or injured," and insert in lieu thereof the words "He shall be liable for double the value of all stock killed or injured by such dog, to be recovered by the owner of such killed or injured stock before any court of competent jurisdiction.

Mr. Calhoun offered the following amendment:

"Sec. 3. *Be it further enacted*, That no action shall be maintained against any one for the killing of a dog on the premises of the person killing said dog."

Mr. Jemison moved to re-commit the bill and amendments, with instructions to make it applicable to all cases of injury to stock done by dogs, without qualification.

Mr. Chilton moved the previous question, and the question being

Shall the main question now be put?

It was sustained.

The bill was ordered to a third reading.

Mr. Jones, of Greene, from the committee on internal im-



provements, reported favorably on the bill to incorporate the Opelika and Talladega railroad company.

The report was concurred in and the bill ordered to a third reading.

Mr. Walker, from the committee on corporations, to whom was referred the bill to amend the charter of the town of Cahaba, reported the following amendment, and recommended its passage: In the second section, strike out all after the word "subscribe" to the word "in," and insert "twenty-five thousand dollars."

Which was adopted, and the bill read a third time and passed.

Mr. Jones, of Greene, from the same committee, reported favorably on the bill to amend the charter of the Selma and Gulf railroad company.

The report was concurred in, and the bill ordered to a third reading.

The Senate then proceeded to the consideration of the following message from the House:

House of Representatives, Dec. 2, 1859.

Mr. President: The House of Representatives has adopted the following resolution:

"*Resolved*, That the two Houses meet in joint convention, in the hall of the House of Representatives, on Tuesday next, at 12 o'clock, for the purpose of electing a United States Senator, to succeed the Hon. Benjamin Fitzpatrick, whose term of office expires the 4th day of March, 1861."

Mr. Brewer moved to indefinitely postpone the consideration of the resolution.

Which was lost.

Yeas 10, nays 15.

Yeas—Messrs. President, Brewer, Bynum, Calhoun, Cocke, Jackson, Jamison, Nelson, Stone, Woodward.—10.

Nays—Messrs. Austin, Bullock, Felder, Fleming, Heflin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Wood.—15.

Mr. Bullock moved to strike out "Tuesday" and insert "Wednesday."

Mr. Walker moved the previous question, and the question being

Shall the main question now be put?

It was decided in the negative.

Yeas 12, nays 15.

Yeas—Messrs. Austin, Bynum, Felder, Fleming, Heflin, Hill,

Jones of Fayette, McSpadden, Mitchell, Staten, Toulmin, Walker.—12.

Nays—Messrs. President, Brewer, Bullock, Calhoun, Chilton, Cocke, Higgins, Jackson, Jemison, McIntyre, Nelson, Patton, Rowe, Wood, Woodward.—15.

Mr. Bullock moved an adjournment until to-morrow morning 10 o'clock.

Which was lost.

Yeas 14, nays 17.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Chilton, Cocke, Higgins, Horn, Jackson, Jones of Greene, Nelson, Wood, Woodward.—14.

Nays—Messrs. Austin, Cleveland, Felder, Fleming, Heflin, Hill, Jemison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staten, Stone, Toulmin, Walker.—17.

Mr. Jones, of Greene, moved to postpone the further consideration of the resolution until to-morrow 11 o'clock.

Which was lost.

Yeas 14, nays 17.

Yeas—Messrs. President, Brewer, Bullock, Calhoun, Chilton, Fleming, Horn, Jackson, Jones of Greene, McIntyre, Nelson, Wood, Woodward.—14.

Nays—Messrs. Austin, Bynum, Cleveland, Felder, Heflin, Higgins, Hill, Jemison, Jones of Fayette, McSpadden, Mitchell, Patton, Rowe, Staten, Stone, Toulmin, Walker.—17.

Message from the House by Mr. Brewer:

House of Representatives, Dec. 2, 1859.

Mr. President: The House has adopted the following resolution:

*Resolved*, That (the Senate concurring,) the two Houses will meet in convention in the hall of the House, on Tuesday next, at 12 o'clock, for the purpose of electing a Secretary of State, to fill the vacancy occasioned by the expiration of the term of office of J. H. Weaver.

On motion of Mr. Brewer,

The Senate adjourned until to-morrow morning 10 o'clock.

Yeas 16, nays 15.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Chilton, Cocke, Higgins, Horn, Jackson, Jones of Greene, McIntyre, Nelson, Rowe, Wood, Woodward.—16.

Nays—Messrs. Austin, Cleveland, Felder, Fleming, Heflin, Hill, Jemison, Jones of Fayette, McSpadden, Mitchell, Patton, Staten, Stone, Toulmin, Walker.—15.

SATURDAY, Dec. 3, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts the following bills were introduced:

Mr. Toulmin: A bill for the relief of E. B. Sopp, tax collector of Mobile county, which was read twice and referred to a select committee composed of Messrs. Toulmin, Coeke, and Rowe.

Mr. Toulmin: a bill for the relief of the administrator of Jacob Mitchell, deceased;

Mr. Wood: a bill to repeal the law in relation to the redemption of real estate;

Mr. Jones of Greene: a bill to incorporate the Marengo Rifles;

Mr. Bynum: a bill to amend the law as to executors, administrators, &c.;

All of which were severally read and ordered to a second reading.

Mr. Fleming: a bill to regulate the working of a certain road; which was read twice and referred to the committee on roads, bridges, and ferries.

Mr. McIntyre, from the select committee to whom was referred the resolution instructing them to enquire what has been done, if anything, to secure to the State of Alabama the benefit of the donation by Congress, by an act of September 28th, 1850, of all swamp and overflowed lands within the State remaining unsold at the date of the passage of said act; whether the provisions of said act have been complied with, and the title of the State to said lands perfected, reported as follows:

The select committee to whom was referred the resolution instructing them to "enquire what has been done, if anything, to secure to the State of Alabama the benefits of the donation by Congress, by act of September 28th, 1850, of all swamp and overflowed lands within the State remaining unsold at the date of the passage of said act; whether the provisions of said act have been complied with, and the title of the State to said lands perfected," have instructed me to report that they have discharged that duty to the best of their ability.

The committee have ascertained upon investigation, that no efficient steps have been taken, either on the part of the Federal Government, or of the State, even so much as to ascertain by proper sub-divisions what lands are really included in the grant.

By the act, it is made the duty of the Secretary of the Interior to make out and transmit to the Governor of the State, as soon as practicable, after the passage of the act, an accurate list and plats of all lands embraced by the grant, which he wholly

neglected to do; and so the Governor of the State could not procure a patent to the lands, as provided by the act, for the simple reason that owing to the culpable negligence of the Secretary of the Interior, they could not, by any possibility, be properly designated.

At the first session of the General Assembly after the passage of the act, Governor Collier, in his biennial message, presented the whole subject to the legislature and invoked their assistance, which they very magnanimously refused. But not content with this rebuff, he again brought the subject to their attention in his biennial message at the session of 1853-4, and again his suggestions were disregarded; in consequence of all which, your committee are of opinion, that the State of Alabama will ultimately lose, in any event, under the best legislation that can now be inaugurated, respecting them, at least half a million dollars; unless the State should deem it expedient to distress its own citizens, who have been duped by Federal officers into the purchase of lands from the Federal Government which it had no power to sell, having already granted them to the State.

For all further information upon the subject, your committee beg leave to refer you to the biennial messages of His Excellency, Governor Collier, delivered at the sessions of 1851-2, and 1853-4, which contain all the data accessible to the committee, except a copy of certain instructions to the land officers in this State, issued under said act apparently, and an imperfect survey of some of the lands embraced in the grant, which was made by one William B. Locke, of Morgan county, under the direction of Governor Collier, both of which are referred to in his said messages, and accompany this report.

Your committee, having thus attempted to fulfill the special duty assigned to them, beg to be discharged. Which was accordingly done.

STATON,

HEFLIN,

Mr. McIntyre, from the same committee, introduced a joint memorial to Congress upon the subject of swamp lands donated to Alabama by act of Congress of 28th September, 1850; also,

A bill to secure to the State of Alabama the benefits of the act of Congress of September 28th, 1850, by which all the swamp and overflowed lands within her limits, unsold at the passage of said act, were granted to her upon certain conditions therein mentioned.

Both of which were severally read the first and second times and referred to the select committee composed of Messrs. McIntyre, Chilton, Bullock, Nelson, Coker, Jackson and Calhoun.

The Senate then proceeded to the consideration of the resolu-

tion of the House proposing to elect a United States Senator on Tuesday next, to succeed the Hon. Benjamin Fitzpatrick, whose term of office expires on the 4th of March, 1861.

The question being on the motion of Mr. Bullock, to strike out "Tuesday" and insert "Wednesday."

A division of the question being called for, the question was on striking out Tuesday.

It was put and lost.

Yeas 15, nays 17.

Yeas—Messrs. President, Brewer, Bullock, Calhoun, Chilton, Cocke, Higgins, Horn, Jackson, Jones of Greene, McIntyre, Nelson, Rowe, Wood, Woodward.—15.

Nays—Messrs. Austin, Burnett, Bynum, Cleveland, Felder, Fleming, Heflin, Hill, Jemison, Jones of Fayette, McSpadden, Mitchell, Patton, Staton, Stone, Toulmin, Walker.—17.

The question being on the adoption of the resolutions the Senate refused to adopt it.

Yeas 14, nays 18.

Yeas—Messrs. Austin, Burnett, Felder, Fleming, Heflin, Hill, Jones of Fayette, McSpadden, Mitchell, Patton, Rowe, Staton, Toulmin, Walker.—14.

Nays—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Chilton, Cleveland, Cocke, Higgins, Horn, Jackson, Jemison, Jones of Greene, McIntyre, Nelson, Stone, Wood, Woodward.—18.

Mr. Jemison moved to reconsider the vote rejecting the resolution; which was lost.

Yeas 14, nays 18.

Yeas—Messrs. Austin, Burnett, Felder, Fleming, Heflin, Hill, Jones of Fayette, McSpadden, Mitchell, Patton, Rowe, Staton, Toulmin, Walker.—14.

Nays—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Chilton, Cleveland, Cocke, Higgins, Horn, Jackson, Jemison, Jones of Greene, McIntyre, Nelson, Stone, Wood, Woodward.—18.

The Senate proceeded to consider the resolution of the House proposing that the two Houses, in joint convention, elect on Thursday, the 8th December, a Secretary of State to succeed the Hon. James H. Weaver.

Mr. Hill moved to strike out "8th" and insert "15th," which was adopted.

The resolution was then, as amended, concurred in.

The House bill to give the probate judge of Pike county jurisdiction of the estate of James S. Crosswell, deceased; and,

The joint resolutions for the purchase and distribution of Smith's Alabama Justice ;

Were read a third time, passed, and ordered forthwith to the House.

The bills :

To incorporate the Demopolis Marine and Fire Insurance company ;

To incorporate the Opelika and Talladega railroad company ;

To incorporate the Columbiana Insurance company ;

To incorporate the town of Montevallo ;

To amend the charter of the Selma and Gulf railroad company ;

Were severally read a third time and passed.

The bill to lay off and divide the State of Alabama into eleven judicial circuits, was read a third time and passed.

Yeas 18, nays 11.

Yeas—Messrs. President, Brewer, Bullock, Calhoun, Chilton, Cleveland, Horn, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Rowe, Toulmin, Walker, Wood, Woodward.—18.

Nays—Messrs. Austin, Burnett, Bynum, Cocke, Felder, Fleming, Heflin, Hill, Patton, Staton, Stone.—11.

The bill to regulate taxes on railroads, was read the third time ; pending the discussion of which,

The Senate adjourned until Monday morning 10 o'clock.

MONDAY, Dec. 5, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced :

Mr. Mitchell : A bill to incorporate the Hopewell Cemetery.

Mr. Stone : A bill to prevent the sale of bowie-knives, pistols and other deadly weapons to students and minors ; Also,

A bill to provide for paying the claim of Elijah Eatman for feeding a State prisoner.

Mr. Bynum : To regulate the entry of decrees by judges of probate in insolvent estates.

All of which were severally read and ordered to a second reading.

Mr. President laid before the Senate the report of John D. Rather, attorney for the branch bank at Decatur, to the General Assembly ; which was referred to the joint committee to examine the account and vouchers of John Whiting, commissioner and trustee of the State Bank and branches.

Mr. Jones, of Greene, asked leave of absence for Mr. Jemison, which was granted.

Mr. McSpadden asked leave of absence for Mr. Heflin, which was granted.

Mr. Wood introduced a bill to declare Omursa creek, in the county of Henry, a public highway;

Which was read twice and referred to the committee on roads, bridges and ferries.

Mr. Cocke: A bill to repeal and act to compel the personal attendance of witnesses in civil cases; which was read twice, and referred to the committee on the judiciary.

Mr. Mitchell: A bill to revive and amend an act to incorporate the West Point, Georgia and Tennessee River railroad company; which was read twice and referred to the committee on corporations.

Mr. Fleming: A bill to prevent the game of "Keno;" which was read three several times and passed.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill amendatory of the act approved December 12, 1857.

Mr. Bullock, from the same committee, to whom was referred the bill to protect growing crops from levy and sale, under execution or other legal process; reported a substitute therefor, and recommended its passage.

The substitute was adopted, and the bill read a third time and passed.

Yeas 25, nays none.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Cocke, Felder, Fleming, Higgins, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood.—25.

Nays—None.

Mr. Bullock, from the same committee, to whom was referred the bill for the relief of M. J. Ledbetter, reported the following amendment, and recommended its passage, to-wit:

At the end of said bill add the words: "Provided, That in his practice he shall not use the lancet, or calomel, or any poisonous mineral drugs."

The Senate refused to adopt the amendment.

Mr. Bullock moved to amend, by adding at the end of the bill the words, "and Greene S. Coxe, of Barbour county.

Which was adopted, and the bill ordered to a third reading.

Mr. Patton, from the committee on banks and banking, to whom was referred the bill to amend the charter of the Eastern

Bank of Alabama, reported the following amendment, and recommended its passage, to-wit:

Add to section 1st the words: "Provided, The legislature, shall have the power to alter, amend or repeal this section at its discretion."

Which was adopted, and the bill ordered to a third reading.

The hour of 12 o'clock having arrived, the general orders were suspended to allow the standing committees to make reports.

Mr. Calhoun from the committee on finance and taxation, reported a substitute for the bill to increase the tax on pedlars in the State.

On motion of Mr. President, the bill and substitute were recommitted to the same committee.

Mr. Calhoun, from the same committee, to whom was referred the bill to impose a tax upon book, periodical and map agents, engaged in obtaining subscribers in the State of Alabama, reported that they have incorporated the provisions of this bill in a substitute which they have reported for another bill, and asked to be discharged from the further consideration of the same.

The committee was discharged, and the bill and report laid on the table.

Mr. Patton, from the committee on banks and banking, to whom was referred the bill to incorporate the Merchants' Bank of Alabama, reported that after comparing carefully its provisions with those of the Eastern and other chartered banks of this State, the committee finds them to be substantially the same, and recommended the following amendments: First, amend the caption by striking out "merchants." In section 1, strike out "\$1,667,000;" in section 2, strike out in 11th and 19th lines, "\$500,000;" in section 4, strike out in second line, "\$500,000," and in 8th line strike out "\$1,667,000." Amend by adding to 4th section as follows: And if more subscriptions be offered to the commissioners than they are authorized to receive, they shall scale and allow the subscriptions in such mode as they shall deem equitable, giving in all cases, the preference to subscribers who shall be resident citizens of Alabama; and if still necessary, they shall reduce the largest subscriptions so as to form the proper amount of capital stock, and no more: *Provided*, That no other bank shall be allowed to take stock in said bank.

Amend section 7 by striking out merchants from 7th line.

Amend section 14 by striking out from 33d line, the word "law," and inserting "court."



Amend article 1st section 16 by striking from 5th line "\$200,000."

Amend rule 2d, section 16, by striking out " $\frac{1}{4}$ " and inserting " $\frac{1}{8}$ ."

Amend rule 5th in same section by striking out "merchants."

Amend section 23d by adding thereto as follows:

Provided, That no stockholder of said bank shall be permitted to owe said bank, either directly or indirectly, more than one half the amount of said stock owned and actually paid for.

The amendments were concurred in, the bill laid on the table and 133 copies ordered to be printed.

Message from the House by Mr. Brewer.

House of Representatives, Dec. 5, 1859.

Mr. President: The House has passed the following joint resolutions which originated in the Senate;

Joint resolutions for the purchase and distribution of Smith's Alabama Digest.

Mr. Patton, from the committee on banks and banking, to whom was referred the bill to incorporate the Western Bank of Alabama, reported that said committee had reported on, and recommended the passage of a bill containing substantially the same provisions as the bill now reported on; and that as the constitution provides that not more than one bank or branch bank shall be established, nor bank charter renewed at one session of the General Assembly, the committee asked leave to be discharged from the further consideration of said bill.

The committee was discharged, and the bill laid on the table.

The committee on enrolled bills, reported as correctly enrolled.

Joint resolutions for the purchase and distribution of Smith's Alabama Justice.

Mr. Toulmin, from a select committee, reported favorably on the bill for the relief of E. B. Lott, tax collector of Mobile county.

The bill was read a third time and passed.

Mr. Fleming, from the committee on the military, reported favorably on the joint resolutions for the security and protection of the State of Alabama, by arming and disciplining the citizen soldiers thereof.

They were read a third time and passed.

Mr. Patton asked a suspension of the general orders to enable him to introduce the following resolution:

*Resolved*, That the committee on the State capitol be instruc-

ted to inquire into the condition of the roof of the capitol, and if in a leaking condition, steps be taken to repair the same.

Mr. Felder moved to amend as follows:

*Resolved*, That the committee on the State capitol be instructed to inquire into the expediency and cost of putting lightning conductors to the capitol building, and report by bill or otherwise.

The amendment was adopted, and the resolution as amended was also adopted.

The following bills from the message of the House were disposed of as follows:

The bill to authorize the executors of J. J. Stewart, deceased, to remove the administration of said estate from the county of Lowndes to the county of Montgomery, was read twice and referred to the committee on the judiciary.

The bill to incorporate the Columbus and Fayetteville railroad company, was read twice, and referred to the committee on internal improvements.

The bills:

To divorce Arthur Avery from his wife Ann Avery, and to divorce other persons there named;

To authorize an additional term of the chancery court in the county of Jackson;

To authorize the court of county commissioners' of Marshall county, to levy a special tax for the relief of certain persons therein named;

To consolidate the offices of tax collector and assessor in the county of Marion;

To authorize John A. Loder of Dallas county, to pay over certain monies in his hands as administrator, belonging to unknown heirs, or to the State;

To amend proceedings in chancery;

Authorizing the probate court of Mobile county to grant licenses to amusements, shows and exhibitions in said county;

To authorize the commissioners of revenue of Mobile county to make certain additions and improvements in the jail of said county;

To repeal the law establishing commissioners' districts in the county of Walker;

To regulate the fees of constables in the beat and town of Cahaba, in Dallas county;

To incorporate the Mount Hebron male and female academy, in Greene county;

To incorporate the Six Mile male and female academy, in Bibb county;

To incorporate the Eastern Shore and Mobile steamboat company;

Authorizing the appointment of a general administrator and general guardian for Mobile county, and for other purposes;

To amend the charter of the Lafayette branch railroad company, and to change the name of said company;

To incorporate the Mobile and Ohio telegraph company;

To incorporate the Mobile wine company;

To establish a medical board in the county of Coffee;

Amendatory of an act to incorporate the town of Troy, approved 4th Feb., 1853;

To compensate E. C. Greene;

For the relief of John P. Gates, tax collector of Pickens county;

To make the official bond of the tax collector operate as a lien on his property for the county revenue;

To incorporate the South-Western railroad company;

To amend section 3608 of the Code;

Were severally read and ordered to a second reading.

The bill to incorporate the Lineville male and female academy, in Talladega county, was read the first time, and laid on the table.

The bill to cede to the United States title to, and jurisdiction over a certain island in the Gulf of Mexico, on the coast of Alabama, known as Tower Island, and for other purposes; was read a first, second and third times forthwith, and passed.

The Senate concurred in the amendment made by the House to the caption of the bill to extend the terms of the city court of Mobile.

The bill to regulate taxes on railroads was, on motion of

Mr. Bullock, postponed until to-morrow 11 o'clock, and made the special order for that hour.

The bill of the House to compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road.

The bills to prevent stock from being killed by dogs;

To incorporate and to aid the agricultural and horticultural society of Western Alabama;

Were severally read the third time and passed.

The bill to define the duties and to fix the compensation of the attorney general, was read a third time.

Mr. Cocke moved to lay the bill on the table, which was lost.

On motion of Mr. Patton, the consideration of the bill was

postponed until Friday, 11 o'clock, and made the special order for that hour. :

Message from the Governor by his private Secretary, Mr. Phelan.

Mr. President: His Excellency, the Governor, has approved the joint resolutions which originated in the Senate, for the purchase and distribution of Smith's Alabama Justice.

The bill to amend an act incorporating the town of Opelika, approved Feb., 9, 1854, was laid on the table.

The bill to provide for the more uniform currency of the banks of the State, by requiring a redemption at par of their bills in the city of Mobile, was read a second time and referred to the committee on banks and banking.

The bill to authorize the compilation and printing the revenue laws, was read a second time and referred to the committee on finance and taxation.

The bills :

To change the name of the Græfenberg Medical institute, to Alabama Medical University ;

To incorporate the Alabama Baptist State convention ;

For the relief of the administrator of Jacob Mitchell, deceased ;

To amend the law as to executors and administrators ;

To repeal the law in relation to the redemption of real estate ;

For the protection of witnesses, and to alter and amend section 2304 of the Code ;

To enlarge the powers of registers in chancery, and to provide a new rule in relation to the statement of accounts before him ;

To more effectually punish the crime of incest ;

Were severally read the second time and referred to the committee on the judiciary.

The bills :

To authorize the Governor to loan arms and accoutrements to Paul W. Dodson, principal of the Tuskegee Collegiate Institute, in the county of Macon ;

To revive and amend the charter of the Greensboro' cavalry company ;

To incorporate the Marengo Rifles ;

Were severally read the second time, and referred to the committee on the military.

The bill :

To repeal an act to regulate fees for marriage license in

Benton county, was read the second and third times, and passed.

The bill:

For the relief of John S. White, of the county of Marion, was read a second time and referred to the committee on propositions and grievances.

The bill:

To compensate Drs. Amerine and Fannin, of the county of Pike, was postponed until Tuesday week next, and made the special order for the hour of 11 o'clock.

The bill:

To amend 1255 of the Code, and also the act amendatory thereof, approved Feb. 20, 1854, was read a second time. The question was on ordering the bill to a third reading, pending the discussion of which,

The Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, Dec. 6, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Toulmin: a bill amendatory of an act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved Feb. 2, 1858;

Mr. Bullock: a bill to amend the law in relation to trading with slaves;

Mr. Stone: a bill to enable the people of Pickens county to more permanently locate the seat of justice of said county; and for other purposes;

Which were severally read and ordered to a second reading.

Mr. Calhoun: a memorial of W. S. Knox and six other citizens and warehousemen of Dallas county; which was referred to the committee on finance and taxation.

Mr. Nelson: a bill to regulate sheriffs' and coroners' sales in the county of Shelby; which was read three several times, and passed.

Mr. Jones, of Greene: a petition of inhabitants of Marengo county, praying a change in the road laws; which was referred to the committee on roads, bridges, and ferries.

Mr. President laid before the Senate the following communication from John Whiting:

OFFICE OF COMMISSIONER AND TRUSTEE,  
MONTGOMERY, 6th Dec., 1859.

*To the Senate and House of Representatives:*

Since the date of my last report, the Alabama Sterling Bonds,

[\$573,333 33] due in London on 1st January, 1858, have been redeemed, and are now in my possession. The semi-annual interest on the remainder of the bonded debt has been regularly paid as it became due.

It will be remembered that in providing the funds for the payment of the Bonds, due in London on 1st January, 1858, I borrowed in New York \$390,000. That debt has been paid.

The principal and interest of the debt due from Messrs. Robb, Hallett & Co., [\$167,399 41] have been collected.

I held in my possession at your last session two hundred and eighty North Carolina 6 per cent. Bonds, and three hundred and eighty-two Virginia 6 per cent. bonds, of \$1,000 each. Since then I have sold twenty of North Carolina and one hundred and thirty-four of the Virginia, and now hold two hundred and sixty of the former and two hundred and forty-eight of the latter. The semi-annual interest has been collected on those not sold.

Since your last session, I contracted with a London banker for the delivery in New York of \$100,000, Alabama 5 per cent. Dollar Bonds, to be paid for at 92 per cent. exclusive of commissions; \$41,000 of that amount [that is, 41 Bonds, of \$1,000 each,] have been delivered and paid for. Those with three others of \$1,000 each, make the sum total of my purchases, within the two years past.

These Bonds are seldom offered for sale, and have almost entirely disappeared from the markets in this country. They are held principally in Europe, and most of them, as is supposed, in trust for Estates, and by persons not disposed to part with them. I am now offered \$314,000 of those due in 1863 *at par*, but as that is a higher price than I have ever paid, and as the Legislature is in session, I submit the question for instructions with the single remark, that the money to pay for them lies unemployed in the State Treasury.

My last statement showed the bonded debt, created for the capital of the State Bank and Branches, to be as follows, viz.:

|                      |             |         |             |           |
|----------------------|-------------|---------|-------------|-----------|
| Due in 1863 in N. Y. | \$1,964,000 | 5 p. c. | Annual Int. | \$98,202  |
| " " 1865, " "        | 52,000      | "       | " "         | 2,600     |
| " " 1872, " "        | 171,000     | "       | " "         | 8,550     |
| " " 1866, " London,  | 648,000     | "       | " "         | 32,400    |
| " " 1870, " "        | 688,000     | "       | " "         | 41,280    |
| <hr/>                |             |         |             |           |
| \$3,523,000          |             |         |             | \$183,030 |

The only change to be made in the table is in the deduction of the bonds purchased—say 41 due in 1863, and 3 due in 1872—and will make it now stand thus:

|                       |           |         |             |           |
|-----------------------|-----------|---------|-------------|-----------|
| Due in 1863, in N. Y. | 1,923,000 | 5 p. c. | Annual Int. | \$96,150  |
| " " 1865, " "         | 52,000    | " "     | " "         | 2,600     |
| " " 1872, " "         | 168,000   | " "     | " "         | 8,400     |
| " " 1876, " London,   | 648,000   | " "     | " "         | 32,400    |
| " " 1870, " "         | 688,000   | " "     | " "         | 41,280    |
| <hr/>                 |           |         |             |           |
| \$3,479,000           |           |         |             | \$180,830 |

It is believed that the existing revenue law, with the North Carolina and Virginia Bonds, will afford the means of liquidating the large amount due in 1863, after which the taxes might be reduced very considerably.

The Bank of Mobile has taken up and delivered to me the State Bonds (\$600,000) issued for the two-fifths capital, formerly owned by the State, in that Bank.

The packages left in the banks, marked half notes, redeemed by them—special deposits, etc., have been deposited with the State Treasurer, as directed by the Act of 6th February, 1858.

I renew the recommendation contained in my last Report, to appoint an agent to collect from the General Government, the amount retained on the claim of the State against the Republic of Texas.

My amounts are ready for settlement whenever it may suit the convenience of the Joint Committee appointed for that purpose.

Respectfully submitted,

J. WHITING,  
Commissioner and Trustee.

The communication was referred to the joint committee to examine the account and vouchers of John Whiting, commissioner and trustee of the State Bank and Branches, and 3,300 copies ordered to be printed.

Mr. Woodward, from the committee on roads, bridges and ferries, to whom was referred the bill amending the road laws of this State, reported the following amendments, and recommended the passage of the bill:

In the first section, in the 19th line, strike out "two dollars and fifty cents," and insert "four dollars." In the second section in the 5th line, after the words "to collect the aforesaid tax," insert "under the provisions of the Code, sections 1169 and 1173."

On motion of Mr. Stone, the bill and report were laid on the table.

Yeas 22, nays 6.

Yeas—Messrs. President, Bullock, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Fleming, Higgins, Hill, Horn, Jones of Fayette, McIntyre, McSpadden, Mitchell, Patton, Staton, Stone, Walker, Wood, Woodward.

Nays—Messrs. Brewer, Burnett, Jones of Greene, Nelson, Rowe, Toulmin.

Mr. Woodward, from the same committee, to whom was referred the resolution instructing them to inquire into the expediency of so revising the road laws as to authorize the commissioners' courts of the respective counties to levy a uniform tax for the purpose, by contract or otherwise, of working or keeping in order the public roads of the several counties of this State, reported that it was inexpedient to legislate upon the subject, and asked to be discharged from its further consideration.

The committee was accordingly discharged.

The bill to compensate Drs. Amérine and Fannin being the special order for the hour of 11 o'clock, the Senate proceeded to the consideration of the subject.

On motion of Mr. McIntyre, the bill was laid on the table.

Mr. Calhoun, from the committee on federal relations, to whom was referred the proceedings of a meeting held in the town of Greenville, on 20th November, 1859, reported a joint memorial to the Congress of the United States, and recommended its passage.

The memorial was read twice and referred to a select committee, composed of Messrs. Burnett, Calhoun, and Wood.

The Senate proceeded to the consideration of the special order, it being the bill to regulate the taxes on railroads.

Mr. Patton moved to amend by way of engrossed ryder, as follows:

*"Be it further enacted, That the stock in railroads now finished and in operation, shall also be exempt from taxation."*

Which was lost.

Mr. Cocke moved to amend by way of engrossed ryder, as follows:

*"Provided, That the above bill shall not be so construed as to exempt any railroad company in this State from paying taxes on that part of their railroad which is or may hereafter be in running order at the time of assessing taxes."*

The President (Mr. Bullock in the chair,) declared the engrossed ryder out of order.

Mr. Felder moved to amend by way of engrossed ryder, as follows:

*"That all mechanics, and laborers, and planters and mer-*



chants, and printers, and editors, shall be in like manner exempt from taxation, until they make more than enough money to pay their annual expenses as such."

Which was, on motion of

Mr. Jackson, laid on the table.

Yeas 18, nays 10.

Yeas—Messrs. Calhoun, Cocke, Fleming, Higgins, Hill, Horn, Jackson, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Rowe, Staton, Stone, Toulmin, Walker, Woodward.—18.

Nays—Messrs. Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Felder, Jones of Greene, Patton, Wood.—10.

On motion of Mr. Jones of Greene, the bill was laid on the table.

Yeas 20, nays 8.

Yeas—Messrs. Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Cocke, Felder, Fleming, Horn, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Nelson, Patton, Rowe, Stone, Wood, Woodward.—20.

Nays—Messrs. Calhoun, Higgins, Hill, McSpadden, Mitchell, Staton, Toulmin, Walker.—8.

The Senate then proceeded to the consideration of the House message, proposing that the two Houses of the General Assembly adjourn on the 17th inst. and meet again on the 9th January next.

Mr. McSpadden moved to amend as follows:

"Provided no member shall receive any mileage for going to or returning from home."

Mr. Jackson moved the previous question, and the question being

Shall the main question now be put?

It was carried.

The question being on concurring in the resolution, it was concurred in.

Yeas 15, nays 13.

Yeas—Messrs. President, Burnett, Bynum, Cleveland, Cocke, Felder, Horn, Jackson, Jones of Fayette, Jones of Greene, Nelson, Patton, Toulmin, Wood, Woodward.—15.

Nays—Messrs. Brewer, Calhoun, Chilton, Fleming, Higgins, Hill, McIntyre, McSpadden, Mitchell, Rowe, Staton, Stone, Walker.—13.

The Senate proceeded to the consideration of the special order for the hour of 12 o'clock, it being the bill to authorize the judges of the circuit courts to preside in their own circuits, without interchanging with each other.

Which was ordered to a third reading.

Upon a suspension of the general orders,

Mr. Chilton introduced

A bill to establish an institution for the deaf and dumb.

Which was read twice and referred to the committee on education.

The special orders having been disposed of, the Senate proceeded to the consideration of the general orders; the first in order being

The bill to amend section 1255 of the Code of Alabama, and also the act amendatory thereof, approved Feb. 20, 1854.

Which was ordered to a third reading.

The bills

To exempt certain property from levy and sale;

Amendatory of the act approved Dec. 12, 1857;

For the relief of M. J. Ledbetter of the county of Franklin, and Greene S. Coxe of the county of Barbour;

To amend the charter of the Eastern Bank of Alabama;

Were severally read the third time and passed.

The bills

To prevent the sale of bowie knives, pistols, and other deadly weapons, to students and minors;

To regulate the entry of decrees by judges of probate in insolvent estates;

Were severally read a second time and referred to the committee on the judiciary.

The bill to provide for the payment of Elijah Eatman, for feeding a State prisoner, was read a second time and referred to the committee on accounts and claims.

The bill to incorporate the trustees of Hopewell Cemetery, was read a second time and referred to the committee on corporations.

The House bill to divorce Arthur Avery from Ann Avery, and to divorce other persons therein named, was read a second time, and referred to the committee on divorce and alimony.

The Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 7, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts the following bills were introduced:

Mr. Chilton: A bill to incorporate the Grand Lodge of Free and Accepted Masons of Alabama, and the subordinate lodges under its jurisdiction.

Mr. Jackson: A bill to amend the charter of LaGrange College.

Mr. Patton: A bill making appropriation to pay the members and officers of the General Assembly.

All of which were severally read the first, second and third times forthwith, and passed.

Mr. Jackson: A bill to authorize the court of county commissioners of Franklin county, to build a bridge in the corporation of Tuscumbia, which was read twice and referred to the committee on finance and taxation:

Mr. Bullock, from the committee on the judiciary, reported adversely to the bill to repeal the law in relation to the redemption of real estate.

The report and bill were laid on the table.

Mr. Bullock, from the same committee, to whom was referred the bill more effectually to punish the crime of incest, reported favorably on the same, with the following amendment, to-wit: Strike out "two" in the last line, and insert "four."

The amendment was adopted, and the bill ordered to a third reading.

Mr. Bullock, from the same committee, reported adversely to the bill to amend the law as to executors, administrators, &c.

The report was concurred in and the bill lost.

Mr. Bullock, from the same committee, reported adversely to the bill for the protection of witnesses, and to alter and amend section 2304 of the Code.

Mr. McIntyre moved to lay the report on the table.

Which was lost.

Yeas 5, nays 23.

Yeas—Messrs. Cocke, Griffin, McIntyre, Mitchell, Wood.—5.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cleveland, Felder, Fleming, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.—23.

The report was concurred in.

Yeas 23, nays 5.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cleveland, Felder, Fleming, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.—23.

Nays—Messrs. Cocke, Griffin, McIntyre, Mitchell, Wood.—5.

Mr. Bullock, from the same committee, reported adversely to the bill to repeal an act to compell the personal attendance of witnesses in civil cases.

The report was not concurred in.

Mr. Bullock offered the following as a substitute therefor:

"SEC. 1. *Be it enacted, &c.*, That from and after the passage of this act, the act entitled "an act to compel the personal attendance of witnesses in civil cases approved February 8th, 1858, be and the same is hereby amended so that its provisions shall not apply to female witnesses."

Which was adopted, and the bill ordered to a third reading.  
Message from the House, by Mr. Brewer.

"House of Representatives, Dec. 7, 1859.

Mr. President: The House has passed the following bills which originated in the Senate:

To incorporate the Opelika and Talladega railroad company.

To incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the Subordinate Lodges under its jurisdiction.

Joint resolutions of the General Assembly of the State of Alabama providing for the protection and security of said State, by arming and disciplining the citizen soldiery thereof, under the provisions of which, Messrs. Clayton, Irby and Forsyth were appointed the committee on the part of the House."

Mr. President appointed Messrs. Chilton, Bynum and Jones, of Greene, the joint committee on the part of the Senate, in accordance with the provisions of the above joint resolutions.

Mr. Rowe, from the committee on accounts and claims, to whom was referred the account of Richard Norton, reported the following bill, and recommended its passage.

A bill to compensate Richard Norton, of Cherokee county, for services rendered the State.

The bill was read three several times and passed.

Mr. Stone, from the committee on education, reported favorably on the bill to establish an institution for the deaf and dumb; which was laid on the table, and 266 copies ordered to be printed.

Mr. Stone, from the same committee, reported unfavorably to the bill to repeal the 8th section of the second article of an act more effectually to render more efficient the system of free public schools in the State of Alabama, approved February 14, 1856, and for other purposes therein named.

The report was laid on the table, and the bill re-committed to a special committee of five, composed of Messrs. Mitchell, Rowe, Felder, Brewer and Cleveland.

The committee on enrolled bills reported as correctly enrolled the

Joint resolutions of the General Assembly of the State of Alabama, providing for the security and protection of said State, by arming and disciplining the citizen soldiery thereof. Also,

An act to amend an act entitled "an act to repeal an act therein named, regulating the sessions of the City Court of Mobile," approved February 8, 1850.

Message from the House of Representatives.

"Mr. President: The House has passed a bill to amend the charter of the town of Greensboro, in Greene county."

Mr. Bynum, from the committee on sixteenth sections, reported favorably on the bill for the relief of Daniel Lankford, of Fayette county; which was ordered to a third reading.

Mr. Cocke asked leave of absence for Mr. Horn, which was granted.

Mr. Jones, of Greene, from the committee on internal improvements, to whom was referred the bill to revive and amend the North-Western railroad company, reported the following amendment, and recommended its passage, to-wit:

Strike out all of section 8 after the words "said company," and insert as a substitute therefor the following: "Provided, and it is hereby enacted, that said company shall not have the right to construct or aid in the construction of any railroad, nor connect with or run in connection with any railroad southward or south, westward of the town of Uniontown without the express concurrence of a majority in interest of the stockholders of the company, who may be residents of the city of Selma, and of the city of Selma in its corporate capacity, acting by its Mayor and Councilmen, while said city shall be a stockholder in said company; and this proviso shall stand, and shall not be altered without the concurrence aforesaid, or unless said company, or any other railroad company now chartered or hereafter to be chartered by this State, shall first pay or tender to the stockholders, who may be residents of the city of Selma, or to the mayor or City Council of said city respectively, the par value of all the stock in said company which residents of said city and said city in its corporate character may have subscribed for and own, or the amount paid thereon at the time of such payment or tender."

The amendment was adopted, and the bill ordered to a third reading.

Mr. Bynum, from the committee on sixteenth sections, reported favorably on the bill to amend an act to authorize the trustees of township 14, range 13, to collect notes due said township. Pending the discussion of which,

The Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, Dec. 8, 1859.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate the report of P. H. Brittan, Quartermaster-General of the State of Alabama; which was referred to the committee on the military.

Mr. Toulmin presented the memorial of certain citizens of Mobile and Baldwin counties, in regard to an act of the legislature, approved February 20, 1858, to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds; which was read and laid on the table.

The following bills were introduced:

Mr. Chilton: a bill to provide for a revision of the statute laws of the State of Alabama;

Also, a bill for the benefit of Jane L. Reed;

Which were severally read and ordered to a second reading.

Mr. Felder: a bill to establish a board of dental surgeons.

Mr. Rowe: a bill to incorporate the town of Rockford, in Coosa county;

Which were read twice and referred to the committee on corporations.

Mr. Felder: a bill to establish county courts for each county; which was read twice and referred to the committee on the judiciary.

Mr. Jackson: a bill to revive an act therein specified, and for other purposes;

Which was read a first, second and third times forthwith, and passed.

Mr. President: a bill for the relief of Lowell Jennings, late tax collector of the county of Morgan; which was read twice and referred to the committee on accounts and claims.

On motion of Mr. Brewer, leave of absence was granted to Mr. Nelson.

The Senate then proceeded to the consideration of the general orders, the first in order being

The bill to amend an act to authorize the trustees of township 14, range 13, to collect certain notes due said township, which was ordered to a third reading.

Mr. Rowe, from the committee on accounts and claims, to whom was referred the bill to provide for the payment of Elijah Eatman for feeding a State prisoner, reported that there was no law authorizing the payment of said claim. The bill and report were laid on the table.

Mr. Chilton, from the joint special committee, to whom was

referred the joint resolutions of inquiry, respecting the Supreme Court and State Libraries, reported the following bill and recommended its passage:

A bill for the benefit of the Supreme Court and State Libraries;

Which was read and ordered to a second reading; as was also

The House bill to amend the charter of the town of Greensboro, in Greene county.

The bills:

To revive and amend the North Western railroad company;

To repeal an act to compel the personal attendance of witnesses in civil cases;

To authorize the judges of Circuit Courts to preside in their own circuits without interchanging with each other;

For the relief of Daniel Lankford, of Fayette county;

To more effectually punish the crime of incest;

To amend section 1255 of the Code of Alabama, and also, the act amendatory thereof, approved Feb., 20, 1854;

Were severally read a third time and passed.

The Senate proceeded to the consideration of the special order for the hour of 11 o'clock on this day, it being:

The bill for the relief of Nathaniel J. Nettles, of Monroe county.

Mr. Cleveland moved to lay the report of the committee on the table.

Mr. Jones of Greene, moved to lay the bill and report on the table.

A division of the question being called for, the question was put, "Shall the report lie on the table?" Which was carried.

The bill was ordered to a third reading.

The bills;

To enable the people of Pickens county to more permanently locate the seat of justice of said county, and for other purposes;

Amendatory of an act protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved Feb., 2, 1858;

Were read a second time, and ordered to a second reading; as was also,

The House bills:

To authorize an additional term of the chancery court in the county of Jackson;

To incorporate the Mount Hebron male and female academy, in Greene county;

To repeal the law establishing commissioners' districts in the county of Walker;

The bill to amend the law in relation to trading with slaves.

The House bills :

To amend section 3608 of the Code ;

To authorize John A. Lodor, of the county of Dallas, to pay over certain monies in his hands, as administrator, belonging to unknown heirs or to the State ;

To amend proceedings in chancery ;

To regulate the fees of constables in the beat and town of Cahaba, in Dallas county ;

To authorize the appointment of a general administrator and general guardian for Mobile county, and for other purposes ;

Were severally read a second time and referred to the committee on the judiciary.

The House bill to incorporate the South-Western railroad company, was read a second time, and referred to the committee on internal improvements.

The House bills :

To consolidate the offices of tax collector and tax assessor in the county of Marion ;

To authorize the court of county commissioners' of Marshall county to levy a special tax for the relief of certain persons therein named ;

To authorize the probate court of Mobile county to grant licenses for amusements, shows, and exhibitions in said county ;

For the relief of John P. Gates tax collector of Pickens county ;

To make the official bond of the tax collector operate as a lien on his property for the county revenue ;

Were severally read a second time and referred to the committee on finance and taxation.

The bill to authorize the court of county commissioners' of Mobile county to make additions and improvements in the county jail of said county, was read a second time and referred to a select committee, composed Messrs. Toulmin, Calhoun and Hill.

The House bills :

To incorporate the Six Mile male and female academy, in Bibb county ;

To incorporate the Eastern Shore and Mobile steamboat company ;

To incorporate the Mobile and Ohio telegraph company ;

To incorporate the Mobile wine company ;

To amend the charter of the LaFayette branch railroad company, and to change the name of said company ;

To establish a medical board in the county of Coffee ;



Amendatory of the act to incorporate the town of Troy, approved 4th Feb. 1843;

Were severally read a second time and referred to the committee on corporations.

The House bill to compensate E. C. Greene, was read a second time and referred to the committee on accounts and claims.

On motion of Mr. Brewer, the bill amending the road laws of this State was taken from the table.

The question being on the adoption of the amendments proposed by the committee; the first was in nineteenth line of section 1, to strike out "two dollars and fifty cents," and insert "four dollars," which on motion of

Mr. Brewer was laid on the table.

The next amendment was as follows: In the second in the 5th line, after the words "to collect the aforesaid tax," insert "under the provisions of the Code, section 1169 and 1173," which was adopted.

Mr. Brewer offered to amend as follows: At the end of the last section add the following:

"Provided, That the provisions of this act shall apply only to the county of Coosa," which was adopted.

Mr. Felder, from the committee on the judiciary, reported favorably on the bill to authorize the executors of J. J. Stewart, deceased, to remove the administration from the county of Lowndes to the county of Montgomery.

The bill was read a second and third time, and passed.

On motion of Mr. Bullock,

*Resolved*, (the House of Representatives concurring,) That the two houses will meet in joint convention on Monday the 12th instant, at 12 o'clock, M., in the hall of the House of Representatives, for the purpose of electing a superintendent of education, to fill the vacancy occasioned by the resignation of William F. Perry, Esq.

Ordered to be sent forthwith to the House.

The Senate proceeded to the consideration of the special order, it being

The bill to provide for calling a convention of the people of Alabama, for the purpose of amending the constitution thereof, or the formation of a new constitution; which was postponed until the 10th of January, at 10 o'clock, and made the special order for that hour.

The Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Dec. 9, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Bullock: a bill to repeal the tax on revolving pistols;

Mr. Chilton: a bill to place the widows of deceased persons upon an equality with other distributees of their estates;

Which were severally read and ordered to a second reading.

Mr. Rowe: a bill to prevent the adulteration and sale of adulterated liquors; which was read twice, and referred to the committee on the judiciary;

Mr. Bullock, from the committee on the judiciary, to whom was referred the bill to enlarge the powers of register's in chancery, and to provide a new rule in relation to the statement of accounts before them, reported a substitute therefor, and recommended the passage of the bill.

The substitute was adopted, and ordered to a third reading.

Message from the House by Mr. Brewer.

House Representatives, Dec. 9, 1859.

Mr. President: The House has originated and passed the following bills:

For the relief of Hugh B. McVey, tax collector of Franklin county;

To amend an act to incorporate the Columbus and Tennessee Valley railroad company;

To compensate Dyer T. Blythe for services rendered;

The Senate bills:

To repeal an act incorporating the town of Dadeville;

To regulate the probate court of Franklin county.

Mr. Mitchell, from the committee on corporations, reported favorably on the bill incorporating the town of Newbern, in Greene county.

The report was concurred in, and the bill ordered to a third reading.

Mr. Walker, from the same committee, reported favorably on the bill to revive and amend an act to incorporate the West Point, Georgia and Tennessee railroad company.

Mr. Jones, of Greene, from the committee on internal improvements, reported favorably on the bill to authorize the Georgia Western railroad company, to construct their railroad from the Georgia line, through the county of Calhoun, to the town of Oxford or Jackson, on the Alabama and Tennessee rivers railroad.

Mr. Walker moved to amend as follows :

SEC. 3. *Be it further enacted,* That the provisions of this act shall terminate and expire in two years from its passage, unless said company, in good faith, shall let out to contract at least twenty miles of its road bed, and have at least five miles graded within the said two years.

Which was adopted, and the bill ordered to a third reading.

Mr. Walker, from the committee on corporations, to whom was referred the bill to incorporate the LaFayette insurance company, reported the following amendment, and recommended the passage of the bill: In the 9th section strike out the words "twenty-five," and insert "fifteen." The amendment was adopted, and the bill ordered to a third reading.

Mr. Jones of Greene, from the committee on internal improvements, to whom was referred the bill to incorporate the Columbus and Fayetteville railroad company reported the following amendment, and recommended the passage of the bill as amended :

Insert the words "persons or property" after the word "carry," in the 26th line of the first section.

Insert the word "books" after the word "open," in 2d line, in 6th section.

Insert the word "which" after the word "through," in the 15th line of the 8th section.

Insert the words "or by reason," after the word "appear," in the 25th line of section 9.

All of which were adopted, and the bill ordered to a third reading.

Mr. Walker, from the committee on corporations, reported favorably on the bill to incorporate the trustees of Hopewell cemetery.

The bill was ordered to a third reading.

Mr. Calhoun, from the committee on finance and taxation, to whom was referred the bill to require tax assessors and collectors to prepare and furnish assessment lists to tax payers, reported a substitute therefor, and recommended its passage.

Mr. Bynum moved to lay the substitute on the table, which was lost.

Mr. Cocke offered to amend as follows: At the end of last section add the words "and shall pay for the printing of all such forms and receipts as may be used by the tax collectors and assessors in their respective counties," which the Senate refused to adopt.

The substitute was adopted, and ordered to a third reading.

Mr. Calhoun, from the same committee, to whom was refer-

red the memorial of W. S. Knox, and six others, in relation to the tax on warehouses, reported that it was inexpedient to legislate upon the subject at this time.

The memorial and report were laid on the table.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the following bills:

To incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the subordinate lodges under its jurisdiction.

To incorporate the Opelika and Talladega railroad company.

Mr. Walker, from the committee on corporations, reported adversely to the bill to change the name of the Græfenberg Medical Institute to Alabama Medical University.

The report was concurred in and the bill lost.

Mr. Fleming, from the committee on the military, to whom was referred the bill to loan arms and accoutrements to Paul W. Dodson, Principal of the Tuskegee Collegiate Institute, reported the following amendments; and recommended the passage of the bill:

1. Strike out the "Minnie rifles or," in the 9th and 10th lines of section 1.

2. Strike out all of section 1st after the word "Governor," in the 17th line from the top, and insert the following, viz: Provided they may be on hand, or when the Governor may obtain them.

The first amendment was adopted. In the second amendment the Senate struck out, but refused to insert as proposed by the committee.

Mr. Chilton moved to strike out "Cadet muskets" and insert "new regulation rifle muskets."

Which was adopted, and the bill read a third time and passed.

Mr. Fleming, from the same committee, reported favorably on the bill to revive and amend the charter of the Greensboro' cavalry company.

The report was concurred in, and the bill ordered to a third reading.

Mr. Jackson, from the committee on finance and taxation, reported favorably on the bill to authorize the court of county commissioners of Franklin county to build a bridge in the corporation of Tuscumbia.

The report was concurred in, and the bill ordered to a third reading.

Mr. Toulmin, from the committee on propositions and grievances, to whom was referred the petition of V. G. McGill and

S. C. Foster, of Fayette county, reported it inexpedient to grant the prayer of the petitioners.

The report was concurred in.

Mr. Toulmin, from the same committee, to whom was referred the bill for the relief of John S. White, of Marion county, reported that it was inexpedient to pass the same.

The report was concurred in.

Mr. Fleming, from the committee on the military, to whom was referred a resolution to inquire into the expediency of organizing an efficient military system of the State, and also to report some plan by which the organization of volunteer companies may be secured and encouraged in every county, recommended that the same be referred to the joint committee on the military, with leave to report a general bill or otherwise.

The report was concurred in.

Mr. McSpadden, from the committee on divorce and alimony, to whom was referred the bill to divorce Arthur Avery from his wife, Ann Avery, and to divorce other persons therein named, reported the following amendment, and as amended recommended, the passage of the bill: Strike out "Lanty" where it occurs in the 9th section, and insert "Canty."

The amendment was adopted.

The question being on the passage of the bill. It was lost.

Yeas 19, nay 1.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Cocke, Felder, Fleming, Griffin, Higgins, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Staton, Stone, Toulmin, Walker, Wood.

Nay—Mr. Hill.

On motion of Mr. Hill, the vote refusing to pass the bill was re-considered, and the bill laid on the table.

Mr. Toulmin, from select committee, reported favorably on the bill to authorize the commissioners of revenue of Mobile county to make certain additions and improvements in the jail of said county.

The bill was read a third time and passed.

Mr. Burnett, from the select committee, to whom was referred the joint memorial of the State of Alabama to the Congress of the United States, reported a substitute therefor; which was adopted.

Mr. Burnett moved to suspend the constitutional rule to give the memorial a third reading forthwith; which was carried.

Yeas 20, nay 1.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum,

Calhoun, Cocke, Felder, Fleming, Higgins, Hill, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Staton, Stone, Toulmin, Walker, Wood.

Nay—Mr. Griffin.

Mr. Calhoun, from the committee on finance and taxation, to whom was referred the bill authorizing the probate court of Mobile county to grant licenses for amusements, shows, and exhibitions in said county, reported the following amendment, and as amended recommended the passage of the bill:

At the end of third section add as follows: Provided further, That no license shall be granted under this section for a shorter term than three months; or if for a shorter time than three months, then as provided by the said subdivisions 12, 13, 14, and 15, of section 397 of the Code.

Which was adopted, and the bill read a third time and passed.

On motion of Mr. Brewer, Messrs. Cleveland, Bynum and Burnett were added to the committee on the Penitentiary.

By leave,

Mr. Calhoun introduced a bill to incorporate the Central Warehouse Company, which was read twice and referred to the committee on corporations.

On motion of Mr. Jones, of Greene,

*Resolved*, That the committee on the military, to whom was referred the report of the quarter master general to the Alabama Legislature, be authorized to have printed 330 copies of the same for the use of the Senate.

By leave,

Mr. Cocke introduced a bill to allow the trustees of each township in the State to withdraw their funds from the custody of the State, upon conditions therein named; which was read twice and referred to the committee on the judiciary.

The Senate proceeded to the consideration of the special order, it being the bill to define the duties and fix the compensation of the Attorney General; which was read a third time.

Mr. Walker moved to amend by engrossed rider as follows:

SEC. 3. Be it further enacted, That it shall be the duty of the several solicitors of this State to make a report annually to the Attorney General of the crimes and misdemeanors prosecuted in their several circuits. And it shall be the duty of the Attorney General to prepare for the Legislature at each session a statistical report of crimes and misdemeanors for the State at large.

SEC. 4. Be it further enacted, That it shall be the duty of the Attorney General, when required by the chairman, to attend

the settings of any committee of the Senate or House of Representatives, to give counsel in matters of law, or to assist in framing or preparing bills or other legislative proceedings.

Mr. Jones: to strike out of the first section the engrossed rider; which was lost.

It was then read three times and adopted.

The question being on the passage of the bill as amended; it was lost.

Yeas 7, nays 18.

Yeas—Messrs. Bullock, Calhoun, Felder, McIntyre, Toulmin, Walker, Wood.

Nays—Messrs. President, Brewer, Burnett, Bynum, Cleveland, Coeke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Rowe, Staton, Stone, Woodward.

Mr. Bynum moved to reconsider the vote just taken; which was lost.

Mr. Patton, from the committee on banks and banking, reported favorably on the bill to prevent the Northern Bank of Alabama from paying out the notes of banks of other States.

Mr. Patton moved to re-commit the bill to the same committee; which was lost.

The constitutional rule was suspended; and the bill passed.

Yeas 23, nay 1.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Hill, Jackson, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.

Nay—Mr. Coeke.

The House bill for the use of Hugh B. McVey, tax collector of Franklin county, was read three times forthwith and passed.

The House bills:

To amend an act to incorporate the Columbus and Tennessee Valley railroad company;

To compensate Dyer T. Blythe for services rendered the State;

Were read and ordered to a second reading.

The House bills:

To repeal the law establishing commissioners' districts in the county of Walker;

To incorporate the Mount Hebron male and female academy, in Greene county;

To authorize an additional term of the chancery court in the county of Jackson;

To amend the charter of the town of Greensboro, in Greene county;

And the Senate bills:

To protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds;

To amend an act to authorize the trustees of township 14, range 13, to collect notes due said township;

For the relief of Nathaniel J. Nettles, of Monroe county;

Were severally read a third time and passed.

Message from the Governor by Mr. Watkins Phelan.

Mr. President: The Governor has approved bills which originated in the Senate—

To amend an act entitled An act to repeal an act therein named, approved Feb. 5, 1850;

Regulating the sessions of the circuit and city courts of Mobile;

Also, joint resolutions of the General Assembly of the State of Alabama providing for the security and protection of said State, by arming and disciplining the citizen soldiery thereof.

The bill amending the road law of this State was read a third time and passed.

Mr. Rowe moved to amend the caption by striking out "this State" and inserting "Coosa county."

Which was adopted.

On motion of Mr. McSpadden, leave of absence was granted to Mr. Austin.

Mr. Patton presented the account of W. B. & A. R. Bell against the State of Alabama; which was referred to the committee on accounts and claims.

The Senate then adjourned until to-morrow morning ten o'clock.

SATURDAY, Dec. 10, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Felder: a bill to amend an act to incorporate the Alabama fire and marine insurance company, of Montgomery county; which was read twice and referred to the committee on corporations.

Also, the petition of Thomas R. Lyde and 38 others, to increase the pay of witnesses; which was referred to the committee on the judiciary.

Mr. Jones, of Greene: a bill to enable executors and admin-



istrators to sell property at private sale, and for other purposes; which was read twice and referred to the committee on the judiciary.

Mr. Cocke: a bill for the relief of Barrel Johnson, tax collector of Perry county; which was read twice and referred to the committee on accounts and claims.

Mr. Brewer: the petition of Wm. G. Hood and Nancy Hood, to make the said Nancy B. Hood a free dealer; which was referred to the committee on propositions and grievances.

Mr. Patton: a bill to regulate the tax on railroad companies; which was read twice and referred to the committee on finance and taxation.

Mr. Woodward, from the committee on roads, bridges and ferries, reported adversely to the bill to amend sections 1136 and 1137 of the Code; which was concurred in, and the bill lost.

Mr. Woodward, from the same committee, to whom was referred the petition of inhabitants of Marengo county, praying a change in the road laws for certain townships therein named, reported the following bill and recommended its passage:

A bill to amend the road laws in the county of Marengo, in certain townships therein named;

Which was read and ordered to a second reading.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the bill to repeal the act incorporating the town of Dadeville.

Mr. Bullock, from the committee on the judiciary, reported favorably on the House bill authorizing the appointment of a general administrator and general guardian for Mobile county, and for other purposes. The report was concurred in, and the bill read a third time and passed.

Mr. Bullock, from the same committee, reported adversely to the House bill to amend proceedings in chancery. The report was concurred in and the bill lost.

Mr. Bullock, from the same committee, reported favorably to the bill to amend the law in relation to trading with slaves. The report was concurred in, and the bill ordered to a third reading.

Mr. Walker, from the committee on the judiciary, reported adversely to the House bill to amend section 3608 of the Code. The report was concurred in.

Yeas 16, nays 9.

Yeas—Messrs. President, Burnett, Bynum, Calhoun, Cocke, Felder, Fleming, Hill, McSpadden, Mitchell, Patton, Rowe, Stator, Walker, Wood, Woodward.

Nays—Messrs. Brewer, Bullock, Chilton, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Stone, Toulmin.

Message from the House by Mr. Brewer.

House of Representatives, Dec. 10, 1859.

Mr. President: The House has adopted the following resolution:

*Resolved*, That, with the concurrence of the Senate, the two houses will meet in the hall of the House of Representatives at 12 o'clock M. on Monday, for the purpose of electing a Comptroller of Public Accounts, Treasurer, State Superintendent of Education, and Secretary of State.

The House has also passed a bill to incorporate the Montgomery and Eufaula railroad company.

Mr. Walker, from the committee on corporations, reported favorably on the bill to incorporate the six mile male and female academy, in Bibb county.

The report was concurred in, and the bill read a third time and passed.

Message from the House by Mr. Brewer.

House of Representatives, Dec. 10, 1859.

Mr. President: The House has originated and passed the following bill:

Further to extend the time for the payment of the balance of the debt due from the Mobile and Ohio railroad company to the State.

Also, a bill

To amend section 399 of the Code.

Mr. Walker, from the committee on corporations, reported favorably on the House bill to incorporate the Mobile and Ohio telegraph company.

Report concurred in, and the bill read a third time and passed.

Mr. Fleming, from the committee on the military, to whom was referred a resolution to have 330 copies of the Quartermaster General's report printed, reported that the printing had been ordered to be done.

The report was concurred in.

Mr. Fleming, from the same committee, reported favorably on the bill to incorporate the Marengo Rifles.

The report was concurred in, and bill ordered to a third reading.

Mr. Fleming, from the same committee, reported favorably on the bill to incorporate the Quitman Rifles, in Pike county, with the following amendment:

Strike out the words "tents and camp equipage," where they occur in the 6th section.

The amendment was adopted and the bill read a third time forthwith and passed.

Mr. Walker, from the committee on corporations, reported favorably on the House bill to incorporate the Mobile Wine Company.

The report was concurred in, and the bill read a third time and passed.

Mr. Jones, of Greene, from the committee on internal improvements, reported adversely to the bill to improve the navigation of the Colbert Shoals, in the Tennessee river.

On motion of Mr. Jackson, the report and bill were laid on the table.

Mr. Felder, from the committee on the State Capitol, to whom was referred a resolution instructing them to inquire into the necessity of repairing the roof of the capitol, reported that upon examination they had found that the Secretary of State has taken sufficient bond and securities for the faithful performance of the work done on the capitol, and to warrant the same for five years; and that the contractors have recently, and since the leak in the roof, repaired the same.

The report was concurred in.

Mr. Felder, from the committee on corporations, to whom was referred the bill to incorporate the Greenville insurance company, in the county of Butler, reported the following amendment, and as thus amended recommended the passage of the bill:

In section 9th strike out the word "twenty-five" and insert "fifteen." Also amend by adding another section, to be called "section 11. *Be it further enacted*, That said corporation shall not pay out or loan any bill or note of any corporation or bank located out of the State of Alabama."

The amendments were adopted, and the bill ordered to a third reading.

On motion of Mr. Cocke, the bill to divorce Arthur Avery from his wife, Nancy Avery, was taken from the table and passed.

Yeas 22, nays 3.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Cocke, Felder, Jackson, Jones of Fayette,

Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Hill, Woodward.

On motion of Mr. Jones, of Greene, the bill incorporating the town of Newbern, in Greene county, was taken from the general orders, read a third time and passed.

Mr. Rowe, from the committee on accounts and claims, to whom was referred the account of W. B. & A. R. Bell against the State, reported "a bill to compensate W. B. & A. R. Bell," which, under a suspension of the rule, was read three several times and passed, and ordered forthwith to the House.

The Senate proceeded to the consideration of the House resolution proposing that the two Houses meet in joint convention on Monday, 12th inst., for the purpose of electing a Comptroller of Public Accounts, State Treasurer, Superintendent of Education, and Secretary of State.

Mr. Hill moved to strike out "Secretary of State," where it occurs in the resolution.

Mr. Bullock moved to amend Mr. Hill's amendment by adding to the resolution the words, "on Thursday, the 12th January, for the purpose of electing a Secretary of State."

Mr. Cocke moved to postpone the further consideration of the resolution until the 12th day of January next, which was lost.

Yeas 4, nays 21.

Yeas—Messrs. Calhoun, Cocke, Rowe, Wood.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Felder, Fleming, Hill, Jackson, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Patton, Staton, Stone, Toulmin, Walker, Woodward.

The question recurred on the amendments of Mr. Hill and Mr. Bullock. A division of the question being called for, the question first was on striking out, which was lost.

Yeas 12, nays 14.

Yeas—Messrs. Brewer, Bullock, Calhoun, Chilton, Cleveland, Cocke, Hill, Jackson, McIntyre, Mitchell, Patton, Rowe.

Nays—Messrs. President, Burnett, Bynum, Felder, Fleming, Jones of Fayette, Jones of Greene, McSpadden, Staton, Stone, Toulmin, Walker, Wood, Woodward.

The question being on the adoption of the resolution, it was lost.

On motion of Mr. Burnett, the vote just taken was reconsidered.

On motion of Mr. Jones of Greene, the vote refusing to strike out Secretary of State was reconsidered.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Felder, Hill, Jackson, Jones of Greene, McIntyre, Mitchell, Patton, Rowe, Toulmin, and Walker—17.

Nays—Messrs. Bynum, Cocke, Fleming, Jones of Fayette, McSpadden, Staton, Stone, Wood, and Woodward—9.

The question then recurred on the amendments offered by Mr. Hill and Mr. Bullock. They were adopted, and the resolution as amended was concurred in.

On motion of Mr. Cocke, the House bill to amend section 399 of the Code, was taken from the message of the House and read a first and second times.

Mr. Cocke moved to amend the second section by inserting after the figures "399" where they occur, the words "of the Code of Alabama," which was adopted.

The bill was read a third time and passed.

Yeas 23; nays 3.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cocke, Felder, Fleming, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Cleveland, McIntyre, Woodward.

On motion of Mr. Felder,

The bill to incorporate the Montgomery and Eufaula railroad company, was taken from the messages of the House; was read twice and referred to the committee on internal improvements.

The Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, Dec. 12, 1859.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Toulmin asked leave to withdraw the petition of certain citizens of Mobile and Baldwin counties to protect them in the enjoyment of their oyster beds; which was granted.

Mr. Cleveland: a bill to amend sections 1136 and 1137 of the Code of Alabama, as to the county of Monroe; which was read twice and referred to the committee on propositions and grievances;

Mr. Bullock: a bill to amend the act entitled "an act to incorporate the city of Eufaula;" which, under a suspension of the rule, was read three several times and passed;

Mr. Walker: a bill to change the rule of evidence in certain cases, and to amend section 2318 of the Code; which was read twice and referred to the committee on the judiciary.

Mr. Jackson, from the committee on enrolled bills, reported

as correctly enrolled; "an act to repeal an act to regulate the probate court of Franklin county."

Message from the House by Mr. Brewer :

House of Representatives, Dec. 12, 1859.

Mr. President: The House has passed the following Senate bills:

To incorporate the Tennessee valley agricultural and mechanical association;

To compensate W. B. & A. R. Bell & Co.

The House has also originated and passed bills of the following titles:

To regulate the pay of witnesses in certain cases;

For the relief of Cherry Keys;

To amend section 1473 of the Code of Alabama;

To regulate the trials of assaults and batteries, and affrays;

For the relief of the creditors and distributees of Green W. Cole, deceased;

To repeal an act therein named;

To ascertain the sense of the people of Jackson county in regard to the permanent location of the county site, and to provide for building a court house and jail;

To divorce Elizabeth Lumley from her husband Iryin Lumley, and to divorce other persons therein named;

To divorce Dennis L. Hawthorn from his wife Sarah Ann Hawthorn, and to divorce other persons therein named;

For the relief of Lewis Whitt, of Blount county;

For the benefit of the Supreme Court and State Libraries;

For the relief of William A. Bishop, of Tuscaloosa county;

The House has adopted the following resolution:

*Resolved*, That the House will attend the address to be delivered in the Hall of the House of Representatives this afternoon, at 3 o'clock, by Dr. L. C. Garland, President of the University of Alabama, on the subject of the University and general education in Alabama; and that the Senate be invited to be present in a body.

The Senate proceeded to the consideration of the special order, it being:

The bill to increase the salaries of certain officers therein named.

On motion of Mr. Jones of Greene, the further consideration of the bill was postponed until after the recess of the General Assembly, and placed among the general orders.

The other special order, being:

The bill to amend section 43 of the Code.

The question being on the adoption of the substitute of the committee;

Mr. Staton moved to postpone the further consideration of the bill until the third Monday in January; which was lost.

Yeas 5, nays 22.

Yeas—Messrs. Bynum, Felder, Fleming, Higgins, Staton.

Nays—Messrs. President, Brewer, Bullock, Burnett, Calhoun, Cleveland, Cocke, Heflin, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Stone, Toulmin, Walker, Woodward.

Mr. Bynum moved to re-commit the bill to the committee on finance and taxation, with instructions to report a bill adopting an air line distance in computing the number of miles to which members may be entitled, without an additional per centage; which was lost.

Message from the House by Mr. Brewer:

House of Representatives, Dec. 12.

Mr. President: The House concurs in so much of the amendment of the Senate to the resolution of the House proposing to elect a Controller of Public Accounts, State Treasurer, and Superintendent of Education, as strikes out Secretary of State from the House resolution, and refuses to concur in so much of the Senate's amendment as proposes to elect a Secretary of State on the 12th of January.

On motion of Mr. Walker, the Senate suspended the consideration of the special order, for the purpose of acting upon the above message from the House.

On motion of Mr. Hill, the Senate receded from its amendment, and ordered that the House be immediately notified of the action of the Senate.

The Senate proceeded with the consideration of the special order.

Mr. President moved to amend the bill by striking out all in section second after the words "present session," so as to make the provisions of the bill applicable to future legislatures.

Pending the discussion of which, the following message was received from the House, by Mr. Brewer;

House of Representatives, Dec. 12.

Mr. President: The hour of 12 o'clock having arrived, the House respectfully invites the Senate into the hall of the House, for the purpose of going into the elections set for this hour.

The Senate immediately repaired to the hall of the House, when the two Houses in joint convention proceeded first to the election of a Controller of Public Accounts.

The name of W. J. Greene, the present incumbent, alone being in nomination and having received 106 votes, the whole number cast, Mr. Speaker declared him duly and constitutionally elected Controller of Public Accounts for the term prescribed by law.

The two Houses, in joint convention, next proceeded to elect a State Treasurer.

Duncan B. Graham alone being in nomination, and having received 108 votes, the whole number cast, Mr. Speaker declared him duly and constitutionally elected State Treasurer for the term prescribed by law.

The joint convention next proceeded to the election of State Superintendent of Education.

Gabriel B. duVal alone being in nomination, and having received 108 votes, the whole number cast, Mr. Speaker declared him duly and constitutionally elected State Superintendent for the term prescribed by law.

The business of the joint convention having been concluded, the Senate returned to its chamber.

Message from the Governor, by Mr. Watkins Phelan :

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles:

To incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the subordinate lodges under its jurisdiction;

To incorporate the Opelika and Talladega railroad company;

To repeal an act incorporating the town of Dadeville.

I am instructed by His Excellency, the Governor, to deliver to the Senate the accompanying communication :

EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 12, 1859. }

*Gentlemen of the Senate:*

Herewith, I transmit to the Senate the report of the agent appointed to select the lands granted by an act of Congress, approved June 3d, 1856, to aid in the construction of the Girard and Mobile railroad.

It appears that the interests of this road and the Alabama and Florida railroad are in conflict. A similar grant of lands was made to both roads, but under different acts of Congress.

The act for the benefit of the Alabama and Florida railroad



being the first passed, the agent for that road made the selection of the lands granted before the agent of the Girard and Mobile road was appointed.

The lines of the two roads cross each other diagonally, and run so near each other for a long distance, that the territorial limits within which each company is required to make its selections of lands are the same.

The Alabama and Florida company having selected the alternate sections, the other road is deprived of the benefits intended to be conferred by the act of Congress, within the distance referred to in the report of the agent, as will be seen by an examination of the report.

The Secretary of the Interior has decided that the selections must be made from the odd numbers of sections, and that where these numbers have been taken by another road, the even number of sections cannot be resorted to to make up the deficiency.

For full information on the subject, I refer you to the report of the agent, and the accompanying opinion of the Secretary of the Interior.

The matter is referred to the Legislature at the instance of the agent of the Girard and Mobile railroad company, with the view of inducing the General Assembly to memorialize Congress, asking the passage of a law permitting said agent to select even numbers of sections where the odd numbers have been selected by the Alabama and Florida road, within the limits referred to.

A. B. MOORE.

The Senate resumed the consideration of the question, it being the amendment offered by Mr. President to the substitute reported by the committee.

Mr. President moved (to re-commit the bill, substitute and amendment to the committee on the judiciary; which was lost.

The question then recurred on the adoption of the amendment offered by Mr. President; which was lost.

The question being on the adoption of the substitute offered by the committee, to-wit:

To amend section 43 of the Code, regulating mileage.

The substitute was adopted.

Mr. Jemison moved to suspend the constitutional rule, to give the bill a third reading forthwith; which was lost.

Yeas 18, nays 9.

Yeas—Messrs. Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, Heflin, Hill, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Rowe, Stone, Toulmin and Woodward.—18.

Nays—Messrs. President, Bynum, Felder, Fleming, Higgins, Jackson, McIntyre, Patton and Staton.

Mr. McSpadden moved to amend as follows:

Strike out all after the word "thereof," where it occurs in the second section, and insert the following proviso: "Provided, That no member shall be entitled to or receive mileage for but one travelling to or from the capitol during one session, any recess of the General Assembly notwithstanding."

On motion of Mr. Burnett, the amendment was laid on the table.

Yeas 18, nays 10.

Yeas—Messrs. President, Bullock, Burnett, Calhoun, Chilton, Cleveland, Higgins, Jackson, Jemison, Jones of Fayette, Jones of Greene, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.—18.

Nays—Messrs. Brewer, Bynum, Cocke, Felder, Fleming, Heflin, Hill, McIntyre, McSpadden, Mitchell.—10.

The bill was ordered to a third reading.

On motion of Mr. McIntyre,

Leave of absence was granted to Mr. Griffin.

On motion of Mr. Toulmin, the general orders were suspended, and the bill from the message of the House,

To extend further the time for the payment of the balance of the debt due from the Mobile and Ohio railroad company to the State, was read twice and referred to the committee on finance and taxation.

Mr. Fleming then moved to adjourn until 10 o'clock to-morrow morning; which was lost.

On motion of Mr. Chilton, the Senate accepted the invitation of the House, inviting the Senate into the hall of the House this afternoon, at 3 o'clock, to hear the address of Dr. L. C. Garland, President of the University of Alabama.

Mr. Cocke moved to adjourn until to-morrow.

Mr. President, (Mr. Bullock in the chair) decided the motion out of order, as fifteen minutes had not elapsed since a motion to adjourn had been made.

Mr. Cocke then moved to reconsider the vote just taken, refusing to adjourn; which was carried.

Mr. Cocke then moved to adjourn until 10 o'clock to-morrow morning; which was lost.

Mr. Chilton moved to adjourn until 3 o'clock this afternoon, which was carried.

Afternoon, 3 o'clock.

In the afternoon at 3 o'clock, Mr. President took his seat, and upon motion of Mr. Calhoun, The Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, Dec. 13, 1859.

The Senate met pursuant to adjournment.

Mr. Calhoun introduced the following resolution :

*Resolved*, That the 43d rule be amended by the addition of the following words thereto: "And no motion to reconsider a vote to adjourn shall be in order."

Which, under the rules of the Senate, lies over one day.

On motion of Mr. Brewer, the call of the districts was suspended to take from the House messages the bill to divorce Dennis L. Hawthorn from his wife Ann Hawthorn, and to divorce other persons therein named;

Which was read twice, and referred to the committee on divorce and alimony.

On motion of Mr. Jones, of Fayette, the call of the districts was suspended to take from the message of the House the bills.

To divorce Wesley M. Pinson from his wife Susan A. Pinson, and to divorce other persons therein named;

To divorce Elizabeth Lumly from her husband Irvin Lumly, and to divorce other persons therein named;

Which were read twice, and referred to the committee on divorce and alimony.

Upon a call of the districts, the following bills were introduced :

Mr. Felder: To amend an act therein mentined; which was read twice and referred to the committee on internal improvements.

Mr. Jones, of Greene: To repeal the law in the State of Alabama, reserving to married women their separate estate; which was read twice, and referred to the committee on the judiciary.

Mr. Mitchell: To incorporate the New Harmony Male and Female Academy, in the county of Chambers; which was read twice, and referred to the committee on corporations.

Mr. Bynum: To define the duties of probate judges in certain cases and for other purposes;

Which was read and ordered to a second reading.

Mr. Calhoun, from the committee on federal relations, to whom was referred a resolution, instructing them to inquire what action, if any, is necessary and proper to be taken by this

General Assembly in anticipation of the probable success in the approaching Presidential election of a sectional Northern candidate, reported the following joint resolutions, and recommended their passage:

"Joint resolutions of the General Assembly of the State of Alabama calling a convention in a certain contingency in the election of a President of the United States."

Which were read twice, and pending the discussion of which, the hour of 12 o'clock having arrived, upon motion of

Mr. Bullock, the general orders were suspended for the consideration of the question before the Senate.

Mr. Calhoun moved to dispense with the constitutional rule in order to give the joint resolutions a third reading; which was carried.

Mr. Cocke moved to postpone the further consideration of the joint resolutions until Thursday 11 o'clock, and print 133 copies; which was lost.

The joint resolutions were then read a third time and passed.

Yeas 28, nays none.

Yeas—Messrs. President, Bullock, Burnett, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood and and Woodward.—28.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the bills:

To revive an act therein specified, and for other purposes;

To incorporate the Tennessee Valley Agricultural and Mechanical Association;

To compensate W. B. & A. R. Bell & Co.

On motion of Mr. Calhoun, the general orders were suspended to allow Mr. Patton, from the joint committee to make a report.

Mr. Patton reported as follows:

The joint committees of the two Houses of the General Assembly, appointed by the presiding officers of each house, as provided by section 34 of the Code, to examine offices of controller and treasurer, report:

That they commenced the examination on the 25th of November, and closed on the 9th December, 1859. That they examined carefully the books and vouchers in the controller's office from the 30th September, 1857, to the 1st October, 1859, a period of two years, comparing the vouchers with the entries thereof, in the books, carefully casting up the footings, and testing the extension. All of which were found correct; and

that all the warrants drawn during the two fiscal years, were issued in pursuance of law.

Your committee find that the amount of receipts and disbursements during the time, embraced in this examination, as shown by the controller's books, were as follows :

|                                                  |                |
|--------------------------------------------------|----------------|
| Receipts during the fiscal year, ending the 30th |                |
| September, 1858, were.....                       | \$764,648. 87  |
| Add balance on hand as shown by report, 30th     |                |
| September, 1857.....                             | 1,635,214 80   |
| Making the aggregate sum of.....                 | \$2,399,863 67 |
| Disbursements during same period.....            | 2,028,527 93   |
| Balance on hand, 30th September, 1858...         | \$371,335 74   |
| Receipts during the fiscal year ending 30th Sep- |                |
| tember, 1859.....                                | \$945,900 16   |
|                                                  | \$1,317,235 90 |
| Disbursements during same time.....              | 685,556 90     |
| Showing balance, 30th September, 1859.....       | \$631,579 00   |

Your committee would also report, that they examined the tax ledger, and general ledger accounts, in the controller's office, carefully comparing their aggregate footings with the tabular statements accompanying his printed report, for the two last fiscal years, and find them to correspond.

Your committee would also, further report, that they examined into the condition of the account kept in the controller's office of the bank of Montgomery, and find deposited in said office as security for the ultimate redemption of the notes or issues of said bank, amounting to one hundred thousand dollars; ninety-six Alabama five per cent. bonds, for one thousand dollars each, and one certificate of United States six per cent. stocks, for ten thousand dollars, the State bonds having been received on such deposit at ninety cents in the dollar, and the United States stocks at par.

They also find that since the report of the joint committee made to the legislature, at its last session, in accordance with the act authorizing the same mutilated notes of said bank amounting to the sum of seventy-one thousand three hundred and forty dollars, have been destroyed by burning, as certified to by the Governor, Controller and President of said bank, in conformity with an act, approved 8th February, 1858, and that

the new notes therefor have been countersigned by the controller and delivered to the bank for circulation, making its issues equal to its capital stock, one hundred thousand dollars.

Your committee would also, further report that they examined into the condition of the accounts of the bank of Selma, established under the free banking law, during the present year, which account is also kept in the controller's office, and find that there is deposited in said office by said bank, as security for the ultimate redemption of its issues, amounting to one hundred and one thousand dollars, fifty-four Alabama five per cent. bonds for one thousand dollars each, and forty-seven certificates of United States five per cent. stock, for one thousand dollars each, the said bonds and stock being taken on such deposit at par, and for which the controller has countersigned and delivered to said bank, its notes for circulation, making the sum equal to its capital stock, one hundred and one thousand dollars.

Your committee next proceeded to the treasurer's office, where they examined all the books and vouchers of that department, from the 30th September, 1857, to 9th December, 1859, embracing a period of two years, one month and nine days, at which time they closed the examination, and count of all the money in the treasury, by the books of the treasurer's office. Your committee find that the receipts from all sources during the fiscal year ending 30th September, 1858, were \$764,648 87 That the balance in the treasury on the 30th Sep-

tember, 1857, was..... 1,635,271 80

Making the sum of..... \$2,399,920 67

That the disbursements during the fiscal year ending 30th September, 1858, including \$1,143,849 00 in the notes of the State Bank and branches burned as required by the act of 22d January, 1858, were \$2,028,527 93.

To which should be added for warrant outstanding 30th September, 1857, and

since paid..... 57 00 \$2,028,584 93

Leaving balance in the treasury 30th September, 1858..... 371,335 74

That the receipts from all sources during the fiscal year ending 30th Sept., 1859, were..... 945,900 16

Making the sum of..... \$1,317,235 90

That the disbursements during the fiscal year ending 30th September, 1859, including the sum

of \$46,079 00 in the notes of the State Bank and branches burned under the said act were..... \$685,556 90

Leaving balance in the treasury 30th September, 1859..... \$631,679 00

That the receipts from the 30th Sept., 1859, to the 9th Dec. following, have been..... \$54,766 89

Making together on the 9th Dec., 1859, the sum of..... \$686,445 89

That the disbursements from the 30th Sept., 1859, to the 9th December, instant, have been.... 42,576 27

Showing the amount due 9th Dec., 1859..... \$643,869 62

Consisting of the following description of funds, to wit:

|                                                         |              |
|---------------------------------------------------------|--------------|
| Banks of Mobile, notes and certificates of deposit..... | \$202,730 53 |
| Commercial Bank, notes.....                             | 71,514 00    |
| Eastern Bank.....                                       | 59,635 00    |
| Northern Bank.....                                      | 20,455 78    |
| Bank of Montgomery.....                                 | 17,782 00    |
| Central Bank.....                                       | 163,876 00   |
| Bank of Selma.....                                      | 11,605 00    |
| State bank and branches.....                            | 713 00       |
| Treasury warrants.....                                  | 2,277 27     |
| Gold, \$78,401 82; silver, \$1,703 85.....              | 80,105 67    |
| Drawer table, assorted.....                             | 13,175 37    |

\$643,869 62

Your committee also examined the register of bank notes destroyed by burning, as made in the treasurer's office under the act of the last session, a work which must have cost much labor and perseverance in its arrangement and preparation; and which appears to have been executed with a neatness and accuracy altogether satisfactory to the committee and highly creditable to the officer discharging that duty. Your committee find of the notes issued by the State Bank and branches, the sum of \$1,189,928 00 has been registered and burned as required by said act, that is to say, of the notes issued by the Bank of Alabama the sum of \$828,531 00; of the notes issued by the branch Bank of Mobile, the sum of \$222,270 00; of the notes issued by the branch Bank at Decatur, the sum of \$66,498 00; of the

notes issued by the branch Bank at Montgomery, the sum of \$63,026. 00, and of the notes issued by the branch Bank at Huntsville, the sum of \$9,603 00; shown by the register of said notes and the certificates of His Excellency the Governor, and Controller of public accounts.

Your committee have likewise examined the special deposits in half notes, current and uncurrent money, counterfeits, &c., made by the Commissioner and Trustee in the State Treasury as required by the act of the 6th Feb., 1858, and recommend that the Treasurer of the State be required to make such entries of said special deposits, half notes, current and uncurrent money, counterfeit notes, &c., "in the register of bank notes destroyed," as will show so far as can be ascertained the names of the original deposits, the general character of contents, the denomination of all bank notes found therein, and the several banks by which issued, distinguishing the whole from the half notes, &c.; and destroy the same by burning as required by an act, approved 22d January, 1858, excepting only any specie funds which may be discovered by him; and that all bonds, letters, &c., found or contained therein be labelled, and filed by him in his office, for which purpose your committee report the accompanying bill, and recommend its passage.

R. M. PATTON,

Chairman Senate Committee.

R. N. WALDEN,

Chairman House Committee.

*Ordered,* That 3,300 copies of the report be printed for the use of the Senate.

The bill reported by the committee was as follows:

A bill to destroy certain special deposits heretofore in the State Bank and branches, received from the commissioner and trustee, under act of 6th February, 1858; and now in the treasury; which was read and ordered to a second reading.

Mr. Jones, of Greene, from the committee on internal improvements, to whom was referred the bill to incorporate the Montgomery and Eufaula railroad company, reported favorably thereon, with an amendment, by striking out the 16th section.

The amendment was adopted, and the bill read a third time and passed.

On motion of Mr. Griffin, amended by Mr. Burnett, the general orders were suspended, to allow them to introduce bills.

Mr. Griffin: A bill to amend and revive an act incorporating the town of Opelika, approved February 9, 1854.

Mr. Burnett: A bill to incorporate the Montgomery Race Course Association.



Which were read twice and referred to the committee on corporations.

Message from the House, by Mr. Brewer:

HOUSE OF REPRESENTATIVES, Dec. 12.

Mr. President: The House has adopted the following resolutions:

*Resolved*, That a committee of three be appointed, to act with a like committee on the part of the Senate, to solicit a copy of the address delivered on yesterday before the two Houses, by Dr. L. C. Garland, President of the University of Alabama; and if procured, that five thousand copies thereof are hereby ordered to be printed for the use of the two Houses.

Messrs. Hale, Martin and Hobbs, compose the committee on the part of the House.

*Resolved*, That, with the concurrence of the Senate, the two Houses will meet in the hall of the House of Representatives at the hour of 12 o'clock on to-morrow, the 14th inst., for the purpose of electing an Attorney-General of the State.

The House has concurred in the Senate amendment to the resolution of the House proposing that the two Houses meet in joint convention in the hall of the House of Representatives, on Thursday the 15th inst., for the purpose of electing a Secretary of State to succeed the Hon. James H. Weaver.

The Senate concurred in the joint resolution of the House; and Mr. President appointed Messrs. Jackson, McIntyre and McSpadden the committee on the part of the House.

The Senate also concurred in the resolution of the House, proposing to elect an Attorney-General on to-morrow at twelve o'clock, M.

The House bill for the relief of Lewis White, of Blount county was read twice, and referred to the committee on accounts and claims.

Message from the House, by Mr. Brewer,

HOUSE OF REPRESENTATIVES, Dec. 13, 1859.

Mr. President: The House has originated and passed a bill to locate permanently the seat of justice of Choctaw county.

The House has passed the Senate bill to revive an act therein specified, and for other purposes.

The Senate then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Dec. 14, 1860.

The Senate met pursuant to adjournment.

The following amendment to rule No. 43 of the rules of the

Senate, introduced by Mr. Calhoun on yesterday, was adopted, to-wit: Add to rule No. 43, the following words: "And no motion to reconsider a vote to adjourn shall be in order."

On motion of Mr. Jones, of Greene, leave of absence was granted to Mr. Bynum.

Upon a call of the districts, the following bills were introduced:

Mr. Bullock: A bill for the relief of Herbert C. Childress and Johnson J. Hooper.

Mr. Chilton: A bill to amend the charter of the Tuskegee Female College.

Mr. Stone: A bill to incorporate the Pickensville branch of the Mobile and Ohio railroad company.

Which were severally read and ordered to a second reading.

Mr. Chilton: A bill to authorize Benjamin F. Noble to dispose of certain property held by him in trust, for the benefit of his *cestui que trust*; which was read twice; and referred to the committee on the judiciary.

Mr. Fleming: A bill to enable David Gardner, guardian of the minor heirs of Matthew T. Chunn, deceased, to remove the guardianship from the county of Morgan to the county of Madison; which was read three times forthwith and passed.

Upon motion of Mr. Fleming, the Senate adopted the following resolution:

*Resolved*, That (the House concurring) the doorkeepers be, and they are hereby requested to illuminate the Capitol on the evening of the 9th of January next, at from 6 until 12 o'clock, P. M., of that day; and that a sufficient sum of money be, and is hereby appropriated to discharge the expenses of said illumination.

Mr. Rowe, from the committee on accounts and claims, reported favorably on the bill for the relief of Sowell Jennings, late tax collector of Morgan county.

The rule was suspended, and the bill read a third time and passed.

Mr. Bullock, from the committee on the judiciary, to whom was referred the bill to prevent the adulteration and sale of adulterated liquors, reported the following amendments, and recommended its passage:

Strike out the words "buy or," and after the word "sell" insert "or buy for the purpose of selling," in section two.

The amendments were adopted, and the bill ordered to a third reading.

Mr. Woodward, from the committee on roads, bridges and ferries, reported favorably on the bill to regulate the working of a certain road.

The bill was ordered to a third reading.

Mr. Walker, from the committee on corporations, reported favorably on the bill to incorporate the Central warehouse company.

On motion of Mr. Walker, the words "and commission" were struck out of section 2.

Mr. Jemison moved to amend by additional section, as follows:

SEC. 7. *Be it further enacted*, That the stockholders in said company shall each be liable in his or her individual capacity for the debts of the company, which was adopted.

Yeas 23, nays 6.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Chilton, Cleveland, Cocke, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Rowe, Staton, Stone.

Nays—Messrs. Calhoun, Patton, Toulmin, Walker, Wood, Woodward.

The bill was ordered to a third reading.

Yeas 23, nays 6.

Yeas—Messrs. Bullock, Burnett, Calhoun, Chilton, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Jackson, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. President, Brewer, Cleveland, Higgins, Jemison, Stone.

Mr. Bullock, from the committee on the judiciary, reported adversely to the bill to regulate the entry of decrees by judges of probate in insolvent estates:

On motion of Mr. Stone, the further consideration of the bill and report was postponed until 15th Jan. next.

Mr. Bullock from the same committee, reported adversely to the bill to prevent the sale of bowie-knives, pistols and other deadly weapons to students and minors, the objects of the bill be sufficiently accomplished by existing laws.

The report was concurred in.

Mr. Bullock, from the same committee, reported adversely to the bill to allow the trustees of each township in this State to withdraw their funds from the custody of the State, upon conditions therein named.

On motion of Mr. Cocke, the report was laid on the table, and the bill referred to a select committee of five, composed of Messrs. Cocke, Felder, Calhoun, Jones of Greene, and Rowe.

Message from the House by Mr. Brewer.

House of Representatives, Dec. 14.

Mr. President: The House has originated and passed the following bills:

To authorize James H. Clanton to hire out the slaves of his wards in certain counties in Florida;

To amend the law in relation to the emancipation of slaves.

Mr. Jemison from the committee on finance and taxation, to whom was referred the House bill further to extend the time for payment of the balance of the debt due from the Mobile and Ohio railroad company to the State, reported the following amendment, as an additional section, and as amended recommended the passage of the same, viz:

SEC. 5. *Be it further enacted*, That it shall be the duty of the Governor of the State to see that the provisions of this act are faithfully performed and enforced.

Mr. Chilton moved to lay the amendment on the table, which was lost.

Yeas 13, nays 15.

Yeas—Messrs. Chilton, Cleveland, Felder, Heflin, Hill, Jemison, Jones of Fayette, McSpadden, Mitchell, Patton, Rowe, Toulmin, Walker.

Nays—Messrs. President, Brewer, Bullock, Burnett, Calhoun, Cocke, Fleming, Griffin, Higgins, Jackson, Jones of Greene, McIntyre, Staton, Stone, Wood.

The amendment was adopted.

Yeas 17, nays 12:

Yeas—Messrs. President, Brewer, Bullock, Burnett, Calhoun, Cocke, Fleming, Griffin, Higgins, Jackson, Jones of Greene, McIntyre, Mitchell, Staton, Stone, Wood, Woodward.

Nays—Messrs. Chilton, Cleveland, Felder, Heflin, Hill, Jemison, Jones of Fayette, Patton, Rowe, Toulmin, Walker.

The hour of 12 o'clock having arrived, the Senate was invited into the hall of the house for the purpose of electing an Attorney-General of the State.

The Senate immediately repaired to the hall of the House, when the two houses in joint convention proceeded to the election.

Marion A. Baldwin, the present incumbent, being alone in nomination, and having received 108 votes, the whole number cast,

Mr. Speaker declared him duly and constitutionally elected Attorney-General for the State of Alabama, for the term prescribed by law.

The joint convention having concluded the business for which it had assembled, the Senate returned to its chamber; and the

general orders having been suspended for the purpose of allowing standing committees to report, the Senate resumed the consideration of the question before it when invited to the hall of the House.

On motion of Mr. Toulmin, the constitutional rule was dispensed with, and the bill read a third time forthwith and passed.

Yeas 21, nays 7.

Yeas—Messrs. President, Calhoun, Chilton, Cleveland, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Jemison, Jones of Fayette, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Jackson, Jones of Greene, McIntyre, Wood.

Ordered to be sent forthwith to the House.

Mr. Rowe, from the committee on accounts and claims, reported favorably on the bill to compensate E. C. Greene.

Mr. Cocke moved to amend by striking out "seven hundred and fifty dollars," and inserting "five hundred dollars," pending, the discussion of which

The Senate adjourned until half past three o'clock, this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment, and resumed the consideration of the amendment offered by Mr. Cocke to the bill to compensate E. C. Green.

The amendment was adopted, and the bill ordered to a third reading.

Mr. Calhoun, from the committee on the judiciary, reported favorably on the House bill to regulate the fees of constables in the beat and town of Cahaba, in Dallas county.

The bill was ordered to a third reading.

Mr. Patton, from the committee on finance and taxation, reported favorably on the bill to authorize the compilation and printing the revenue laws.

The bill was ordered to a third reading.

Mr. Walker, from the committee on the judiciary, to whom was referred joint resolutions proposing amendments to the constitution of the State of Alabama, reported the following amendments, and as amended recommended their adoption, to-wit: Strike out the word "six," where it occurs in the last line in section one, and insert in lieu thereof, "seven."

The Senate refused to adopt the amendment.

Mr. McSpadden offered the following as an amendment,

which was adopted: Add to section second, the following: "And that the organization of any new county shall not interfere with the location of any county site already established where there are public buildings erected."

The joint resolutions were ordered to a third reading.

Mr. Jemison, from the committee on finance and taxation, reported favorably on the bill to make the official bond of the tax collector operate as a lien on his property for the county revenue.

The bill was ordered to a third reading.

Mr. Woodward from the committee on roads, bridges and ferries, reported favorably on the bill to declare Omursa creek, in the county of Henry, a public highway.

Mr. Toulmin moved to amend by way of additional section, declaring One Mile creek, &c., Chickasaw Bogue, &c., Saw Mill creek, &c., Bayou Sarah, &c., public highways, which amendment was adopted, and the bill ordered to a third reading.

Mr. Walker, from the committee on corporations, reported favorably on the bill amendatory to an act to incorporate the town of Troy, approved 4th February, 1853.

The bill was ordered to a third reading.

Mr. Calhoun, from the committee on the judiciary, to whom was referred the bill to authorize John A. Lodor, of Dallas county, to pay over certain moneys in his hands as administrator, belonging to unknown heirs or to the State, reported an amendment by way of an additional section.

Which was adopted, and the bill as amended ordered to a third reading.

Mr. Jemison, from the committee on finance and taxation, reported favorably on the House bill for the relief of John P. Gates, tax collector of Pickens county.

The bill was ordered to a third reading.

Mr. Jemison, from the same committee, reported adversely to the House bill to consolidate the offices of tax collector and assessor in the county of Marion.

The bill and report were laid on the table.

Mr. Jemison from the same committee, reported favorably on the House bill to authorize the court of county commissioners of Marshall county to levy a special tax for the relief of certain persons therein named.

The bill was ordered to a third reading.

Mr. Jemison, from the same committee, to whom was referred a resolution instructing them to enquire into the expediency of so revising the revenue laws as to adhere more strictly to the *ad valorem* principle, etc., reported that it was inexpedient to

disturb the subject of taxation at the present time, as a thorough revision of the revenue laws of the State must soon be had.

The report and resolution were laid on the table.

Mr. Jemison, from the same committee, to whom was referred the bill to provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 469 of the Code, reported the following amendments, and recommended the passage of the bill as amended, to-wit:

In the last line but one of section 2, between the words "paid" and "when," insert the words "for advertising." In section 5 strike out all after the word "separately," in the second line. Add the following:

SEC. 9. *Be it further enacted,* That at any time before the sale the original owner may redeem any land previously sold for taxes on the terms provided in section 469 of the Code, and payment of all taxes accruing since the purchase by the State, with ten per cent. per annum interest on all sums due for taxes or redemption, together with all costs for advertising and sale.

The amendments were adopted and the bill ordered to a third reading.

Mr. Jemison, from the same committee, to whom was referred the bill to regulate the tax on railroad companies, reported the following amendments, and as amended recommended its passage:

In section 1, 6th line, strike out the words "one-half" and insert "three-fourths." At the end of said section add the words, "And the entire amount of said tax shall be paid in the county in which said company may be located." Strike out section 2.

Mr. Patton moved to amend section 1 by inserting after "operating," in last line, the words, "and interest on the funded debt."

The consideration of the bill, report and amendments, was postponed until the 15th January next, and placed among the general orders.

Mr. Rowe, from the committee on accounts and claims, reported favorably on the bill for the relief of Burrell Johnson, tax collector of Perry county.

The bill was ordered to a third reading.

Mr. Felder, from the committee on corporations, reported favorably on the bill to incorporate the Montgomery Race Course Association.

The bill was read a third time and passed.

Mr. Stone, from the committee on education, reported favora-

bly on the bill to regulate the interest on the 16th section and University funds.

The bill was ordered to a third reading.

Mr. Rowe, from the committee on accounts and claims, reported favorably on the bill for the relief of Lewis White, of Blount county.

The bill was read a third time and passed.

Mr. McSpadden, from the committee on divorce and alimony, reported favorably on the House bill to divorce Dennis L. Hawthorn from his wife, Sarah Ann Hawthorn; and to divorce other persons therein named.

The bill was read a third time and lost.

Yeas 21, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Cleveland, Cocke, Felder, Griffin, Heflin, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Staton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Hill, Rowe, Woodward.

On motion of Mr. Rowe, the vote just taken, refusing to pass the bill, was reconsidered, and its further consideration postponed until to-morrow 11 o'clock.

Mr. Walker, from the committee on corporations, reported favorably on the bill to amend and revive an act incorporating the town of Opelika, approved Feb. 9, 1854.

The bill was read a third time and passed.

Mr. McIntyre moved to take from the table the bill to compensate Drs. Amerine and Fannin.

Mr. Calhoun moved to adjourn until to-morrow morning ten o'clock.

Mr. President [Mr. Bullock in the chair,] decided the motion out of order, as the question to take from the table the bill above alluded to, had been put to the Senate.

The question having been again put by the President, the yeas and nays were called for.

Before the call commenced,

On motion of Mr. Calhoun,

The Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, Dec. 15, 1859.

The Senate met pursuant to adjournment.

Upon motion of Mr. Higgins, the call of the districts was suspended, and the House bill to ascertain the sense of the people of Jackson in regard to the permanent location of the county site, and to provide for building a court house and jail, was read a third time and passed.



Upon motion of Mr. Woodward, the call of the districts was further suspended, and the House bill to locate permanently the seat of justice in Choctaw county, was read three times and passed.

Upon a call of the districts, the following bills were introduced:

Mr. Cleveland: a bill for the relief of Louis Dolin, tax assessor of Baldwin county; which was read twice and referred to the committee on propositions and grievances.

Mr. Burnett: a bill to provide for the safe keeping of lunatics in certain cases; which was read twice and referred to the committee on the judiciary.

Mr. Jemison: a bill to prevent the sale of vinous or spirituous liquors in the town of New Lexington and Beat No. 2, west of the North river, in Tuscaloosa county; which was read three times and passed, and ordered forthwith to the House.

Mr. Bullock: a bill to incorporate the Palmyra female academy, in Barbour county; which was read three times and passed, and ordered forthwith to the House.

Message from the House by Mr. Brewer.

House of Representatives, Dec. 15.

*Mr. President:* The House concurs in the Senate's amendment to the bill to further extend the times of the payment of the balance of the debt due from the Mobile and Ohio railroad company to the State.

The House has originated and passed the following bills:

To authorize Wm. H. Neville, of Sumter county, to erect gates across certain public roads;

To repeal and amend the road laws in Jackson county;

To amend an act entitled An act to locate the county site of Winston county, approved January 30th, 1858;

Providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county to build a new court house;

For the preservation of game in the county of Sumter;

To compel the county treasurers to keep their offices within a mile of the court house;

To regulate suits brought before justices of the peace in Marshall county;

To divide the counties of Winston and Shelby into county commissioners' districts.

Upon motion of Mr. McIntyre, reports were suspended, and the House bill to authorize James H. Clanton to hire out the

slaves of his wards in certain counties in Florida, was read three times and passed.

Mr. Bullock, from the committee on the judiciary, reported adversely on the bill for the relief of the administrator of Jacob Mitchell, deceased.

On motion of Mr. Toulmin, the report was laid on the table and the bill referred to a select committee, composed of Messrs. Toulmin, Rowe and Patton.

Mr. Toulmin, from the committee on propositions and grievances, reported favorably on the bill to amend sections 1136 and 1137 of the Code, as to the county of Monroe.

The bill was read a third time and passed.

Mr. McSpadden, from the committee on divorce and alimony, reported favorably on the bill to divorce Wesley M. Pinson from his wife, Susan A. Pinson, and to divorce other persons therein named.

The bill was read a third time and passed.

Yeas 23, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Chilton, Cleveland, Cocke, Fleming, Griffin, Heflin, Higgins, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Hill, Rowe, Woodward.

Mr. McSpadden, from the same committee, reported favorably on the bill to divorce Elizabeth Lumley from her husband, Irvin Lumley, and to divorce other persons therein named.

The bill was read a third time and passed.

Yeas 23, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Chilton, Cleveland, Cocke, Felder, Griffin, Heflin, Higgins, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Hill, Rowe, Woodward.

The Senate proceeded to the consideration of the special order, it being the bill to divorce Dennis L. Hawthorn from his wife, Sarah Ann Hawthorn, and to divorce other persons therein named.

The question being on the passage of the bill; the bill was passed.

Yeas 24, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Fleming, Griffin, Higgins, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Staton, Stone, Toulmin, Walker and Wood.

Nays—Messrs. Calhoun, Cleveland, Hill and Woodward.

Mr. Felder, from the committee on corporations, to whom was referred the bill to incorporate the Alabama Baptist State Convention, reported the following amendments, and recommend the passage of the bill, to-wit :

Amend section 5 by inserting the words : "not exceeding fifty thousand dollars," between the words "loan out," and the words "its funds."

Strike out section 3, and insert instead :

"Sec. 3. *Be it further enacted*, That all gifts, grants and donations, which may hereafter be made to the Alabama Baptist State Convention, whether by will, deed or otherwise, or is hereafter made to the boards of said convention, or any board created by or acting under its authority, of any moneys or effects, shall be deemed and held valid in law and equity."

Mr. Chilton moved to amend the amendment as follows :

"*Provided*, That this section shall not be so construed as to interfere with any vested right in any third person or persons."

On motion of Mr. Walker, the further consideration of the whole subject—bill, report and amendments—was postponed until the second Monday in January next.

Yeas 16, nays 10.

Yeas—Messrs. President, Burnett, Felder, Fleming, Heffin, Higgins, Hill, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Staton, Toulmin, Walker, Wood.

Nays—Messrs. Brewer, Chilton, Cleveland, Cocke, Griffin, Jemison, Patton, Rowe, Stone, Woodward.

Mr. Mitchell, from the committee on corporations, reported favorably on the bill to incorporate the New Harmony male and female academy in the county of Chambers; which was read a third time and passed.

Mr. Jones of Greene, from the committee on internal improvements, to whom was referred the House bill to incorporate the South Western railroad company, reported the following amendment, and recommended the passage of the bill :

Strike out the last two lines in the first section, to-wit : "as fully as the said company is authorized by law to do within the State of Georgia."

The amendment was adopted, and the bill read a third time and passed, and ordered forthwith to the House.

Mr. Jackson, from the joint committee to solicit a copy of the address delivered by Dr. L. C. Garland before the two Houses on the subject of the University, &c., reported that the committee had discharged that duty, and that a copy of the address would be placed in the hands of the Legislature in a few days.

Upon motion of Mr. Griffin, the business before the Senate was suspended; whereupon Mr. Griffin introduced

Joint resolutions to aid Virginia to pay the expenses of the Harper's Ferry insurrection; which were read and ordered to a second reading.

Yeas 16, nays 13.

Yeas—Messrs. Brewer, Bullock, Chilton, Cleveland, Cocke, Felder, Fleming, Griffin, Heflin, Higgins, Jemison, McIntyre, Patton, Stone, Toulmin, Wood.

Nays—Messrs. Burnett, Calhoun, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Rowe, Staton, Walker, Woodward.

Mr. McIntyre moved to suspend the general orders with the view to take from the table the bill to compensate Drs. Amerine and Fannin; which was carried.

Mr. Cleveland moved to postpone the further consideration of the bill until the 12th January next, and make it the special order for the hour of 11 o'clock of that day; which was lost.

Yeas 14, nays 14.

Yeas—Messrs. President, Brewer, Calhoun, Cleveland, Fleming, Heflin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Patton, Staton, Toulmin and Walker.

Nays—Messrs. Bullock, Burnett, Chilton, Cocke, Felder, Griffin, Higgins, Jackson, Jemison, McIntyre, Mitchell, Rowe, Stone and Wood.

Mr. Felder moved to amend as follows:

Strike out "three thousand," and insert "twenty-five hundred," in section 1.

Strike out in section 1, the words "for their attention upon citizens of the town of Troy, in said county, in the months of April and May, 1859, who were afflicted with small pox," and insert in lieu thereof the words: "for actual losses necessarily incurred by them, as physicians and nurses, during the prevalence of the small pox in the town of Troy, in said county, during the months of April, May and June, 1859, and on account of the prevalence of said disease as before stated."

Mr. Cleveland moved to amend the amendment by striking out \$2,500, and inserting \$350.

Mr. Felder moved to amend by inserting \$2,450.

The question being on striking out, it was put and carried.

Upon motion of Mr. Jones of Greene, the further consideration of the bill and amendment was postponed until the 10th day of January next.

Yeas 16, nays 12.

Yeas—Messrs. President, Brewer, Calhoun, Cleveland, Flem-

ing, Heflin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Patton, Staton, Stone, Toulmin, Walker, Woodward.

Nays—Messrs. Bullock, Burnett, Cocke, Felder, Griffin, Higgins, Jackson, Jemison, McIntyre, Mitchell, Rowe, Wood.

The House bill to repeal an act therein named, was read three times and passed.

The House bills:

For the benefit of the Supreme Court and State Libraries ;

For the relief of William A. Bishop, tax collector of Tuscaloosa county ;

For the relief of the creditors and distributees of Green W. Cole, deceased ;

To regulate the pay of witnesses in criminal cases ;

To regulate the trials of assaults and batteries, and affrays ;

To amend section 1473 of the Code of Alabama ;

For the relief of Cherry Keyes ;

To amend the law in relation to the emancipation of slaves ;

To divide the counties of Winston and Shelby into county commissioner's districts ;

To regulate suits brought before justices of the peace in Marshall county ;

To compel the county treasurers to keep their offices within one mile of the court house ;

For the preservation of game in the county of Sumter ;

To authorize William H. Neville, of Sumter county, to erect gates across a certain public road ;

Providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county to build a new court house ;

To repeal and amend the road laws in Jackson county ;

To amend an act entitled "an act to locate the county site of Winston county," approved Jan. 30, 1858 ;

Were all severally read and ordered to a second reading.

The Senate was invited into the hall of the House for the purpose of electing a Secretary of State.

The Senate immediately proceeded to the hall of the House, when the two Houses proceeded to the election of a Secretary of State to succeed the Hon. James H. Weaver.

P. H. Britton of Montgomery, W. C. McIver of Macon, and Dr. Samuel C. Dailey of Chambers, being in nomination.

Those who voted for Mr. Brittan are : Messrs. Burnett, Cocke, Felder, Fleming, Heflin, Jackson, Jemison, Jones of Fayette, McSpadden, Staton, Stone, Toulmin, Wood, Woodward, of the Senate ; Messrs. Aldridge, Bell, Bibb, Bradley, Brown of Marion, Calhoun, Carter, Clapp, Clifton, Clitherall, Cooper, Dark,

Davidson, Easley, Ferrell, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hightower, Hobbs, Holley of Covington, Hockabee, Hudgins, Humphries, Jack, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Starke, Taylor, Walden of Coosa, Walden of Morgan, Walker, Warren, Wright, of the House.—72.

Those who voted for Mr. Wm. H. McIver are: Messrs. President, Brewer, Bullock, Calhoun, Chilton, Cleveland, Griffin, Hill, Jones of Greene, Patton, Walker, of the Senate; Messrs. Speaker, Adams, Brooks, Bryan, Bush, Cary, Chambers, Cunningham, Flake, Forney, Gilchrist, Herren of Tallapoosa, Herman, Irby, Jones, Lowe, Scott, Smith of Coosa, Tate of Macon, Tait of Wilcox, of the House.—31.

Those who voted for Dr. Daily are: Messrs. McIntyre, Mitchell, Rowe, of the Senate; Messrs. Bowen, Clayton, Fielder, Holley of Tallapoosa, Hubbard, Meadows, Thornton, of the House.—10.

Mr. P. H. Brittan having received a majority of all the votes cast, Mr. Speaker declared him duly and constitutionally elected Secretary of State of the State of Alabama for the term prescribed by law.

The business of the joint convention having been concluded, the Senate returned to its chamber.

The House bills:

Amendatory of the act incorporating the town of Troy, approved February 4, 1843;

To compensate E. C. Greene;

To regulate the fees of constables in the beat and town of Cahaba, in Dallas county;

To make the official bond of tax collector operate as a lien on his property for the county revenue;

To authorize John A. Loder, of Dallas county, to pay over certain moneys in his hands, as administrator, belonging to unknown heirs, or to the State;

For the relief of John P. Gates, tax collector of Pickens county;

To authorize the court of county commissioners of Marshall county, to lay a special tax for the relief of certain persons therein named;

And the Senate bills:

To authorize the compilation and printing of the revenue laws;

To regulate the working of a certain road;

Were severally read a third time and passed.

The bill to prevent the adulteration and sale of adulterated liquors was read a third time.

Mr. Heflin moved to amend by engrossed ryder as follows:

*Be it further enacted,* That any person buying, selling, or drinking any spirituous or vinious liquors, at any time after the 25th December, 1860, on conviction thereof shall be fined not less than one thousand, nor more than five thousand dollars, by the court having jurisdiction thereof, except such as shall be made in this State.

On motion of Mr. Bullock, the engrossed ryder was laid on the table.

Yeas 24, nays 3.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Calhoun, Chilton, Felder, Fleming, Heflin, Higgins, Hill, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Stone, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Cleveland, Cocke, Griffin.

The bill was passed.

Yeas 21, nays 5.

Yeas—Messrs. President, Brewer, Bullock, Calhoun, Chilton, Fleming, Heflin, Higgins, Hill, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Stone, Toulmin, Walker, Wood and Woodward.

Nays—Messrs. Burnett, Cleveland, Cocke, Felder and Griffin.

On motion of Mr. Bullock, leave of absence was granted to Mr. Jackson.

On motion of Mr. Felder, leave of absence was granted to Mr. Jones of Fayette.

On motion of Mr. Burnett,

The Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, Dec. 18, 1859.

The Senate met pursuant to adjournment.

On a call of the districts the following bills and joint resolutions were adopted:

Mr. Rowe: a bill to incorporate the Octavia Walton Lee Vert Normal College for young ladies, at Dadeville, in the county of Tallapoosa.

Mr. Jemison: joint resolutions of the General Assembly on the subject of federal relations;

Which were severally read and ordered to a second reading.

Mr. Bullock: a bill to authorize the execution of a deed to certain land to R. S. Heflin, by the Governor of the State, which

was read three times and passed, and ordered forthwith to the Senate.

Mr. Patton, from the joint committee, to whom was referred communications addressed to the President by the Controller and State Treasurer, accompanied by the biennial report of said officers, having heretofore reported fully, ask leave to return said communications to the Senate, and to be discharged from their further consideration.

The committee was accordingly discharged.

Mr. Chilton, from a joint committee, made the following report:

The committee of the two houses of the General Assembly, to whom was referred joint resolutions, providing for the security and protection of the State, by arming and disciplining the citizen soldiery thereof, have had the same under consideration, and have instructed me to report the accompanying bill, and recommend its passage:

It may not be improper to state here that whilst there has existed a difference of opinion in the minds of the committee in respect to sense of the provisions of the bill, yet in view of the magnitude of the subject and the impending necessity of the object sought to be attained, apparent to every patriotic citizen, the members of the committee have waived their individual differences, and make this report *unanimous*.

The committee have also considered the expediency of establishing an arsenal and manufactory of arms at some suitable point in this State, and are unanimously of the opinion that such should be done, and also that there should be established a powder mill and manufactory of all the munitions of war.

Your committee are further of the opinion that there should be established a State military academy, but have reserved these subjects for a separate report.

The bill and report were laid on the table; and one thousand copies of the bill ordered to be printed: and that the Secretary of State be required to forward four copies of the same by mail to each member of the General Assembly, immediately after the printing of the same.

Leave of absence was granted to Messrs. Bullock, Cleveland, Calhoun, Patton, McIntyre, Chilton and Wood.

Mr. McIntyre, from a select committee, reported favorably on the bill to secure to the State of Alabama, the benefit of the act of Congress, of September 28, 1850, by which all the swamp and overflowed lands within her limits unsold at the passage of said act was granted to her upon certain conditions therein mentioned.



Also, favorably on the joint memorial to Congress, on the subject of the swamp lands donated to Alabama by act of Congress of September 28, 1850, both of which were ordered to a third reading.

The bills:

To incorporate the Greenville insurance company, in the county of Butler;

To amend the law in relation to trading with slaves;

To incorporate the Central warehouse company;

For the relief of Burrell Johnson, tax collector of Perry county;

To provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 469 of the Code;

To authorize the Georgia Western railroad company to construct their railroad from the Georgia line, through the county of Calhoun, to the town of Oxford or Jacksonville, on the Alabama and Tennessee rivers railroad;

To enable the people of Pickens county to more permanently locate the seat of justice of said county, and for other purposes;

To revive and amend the charter of the Greensboro Cavalry company;

To require tax collectors and assessors to prepare and furnish assessment lists to tax payers;

To authorize the court of county commissioners of Franklin county to build a bridge in the corporation of Tuscumbia;

To incorporate the trustees of Hopewell cemetery;

To incorporate the Lafayette insurance company;

To revive and amend an act to incorporate the West Point, Georgia, Tennessee river railroad company;

And the House bill to incorporate the Columbus and Fayetteville railroad company;

Were severally read a third time and passed.

The bill to enlarge the powers of register's in chancery, and to provide a new rule in relation to the statement of accounts before them, was read a third time and passed.

The caption was amended by striking out all after the word "chancery."

The bill to declare Omursa creek, in the county of Henry, a public highway, was read a third time and passed. The caption was amended so as to read "to declare Omursa creek in the county of Henry, and other creeks in the county of Mobile, public highways."

The bill to regulate the interest on the sixteenth section and

the university funds, was postponed and made the special order for 12 o'clock, on the 10th January next.

Yeas 12, nays 10.

Yeas—Messrs. President, Brewer, Calhoun, Griffin, Heflin, Hill, McSpadden, Mitchell, Patton, Rowe, Staton, Walker.

Nays—Messrs. Bullock, Chilton, Cocke, Felder, Fleming, Jamison, Stone, Toulmin, Wood, Woodward.

On motion of Mr. Rowe, the vote just taken was reconsidered.

Yeas 14, nays 8.

Yeas—Messrs. Brewer, Bullock, Chilton, Cocke, Felder, Fleming, Griffin, Jamison, Rowe, Stone, Toulmin, Walker, Wood and Woodward.

Nays—Messrs. President, Calhoun, Heflin, Hill, McSpadden, Mitchell, Patton, and Staton.

The bill was then passed.

Yeas 14, nays 6.

Yeas—Messrs. Brewer, Bullock, Cocke, Felder, Fleming, Griffin, Hill, Jamison, Rowe, Stone, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. President, Calhoun, Heflin, McSpadden, Mitchell and Patton.

Message from the House by Mr. Brewer.

House of Representatives, Dec. 16, 1859.

Mr. President: the House has passed the following Senate bills:

To prevent the sale of spirituous or vinous liquors in the town of New Lexington, and in beat No. 2, west of north river, in Tuscaloosa county;

To amend an act to authorize the trustees of township 14, range 13, to collect notes due said township;

To incorporate the Palmyra female college, in Barbour county;

To authorize Robert Dougherty, trustee, &c., to sell a portion of the trust estate and to invest the funds of said sale.

The House concurs in the Senate's amendments to the following bills;

To incorporate the South-Western railroad company;

To authorize John A. Lodor, of Dallas county, to pay over certain moneys in his hands, as administrator, belonging to unknown heirs or to the State;

To incorporate the Montgomery and Eufaula railroad company;

To divorce Arthur Avery from his wife Ann Avery, and to divorce other persons therein named.

The House has originated and passed a bill to incorporate the trustees of the Methodist Episcopal Church South, at Montgomery.

The House has passed Senate bills:

To incorporate the Book and Tract Society of Alabama Conference of the Methodist Episcopal Church South;

To incorporate the Clintonville Academy, in Coffee county;

To amend the charter of the town of Gainesville;

To amend the charter of the town of Demopolis, and to confer additional powers upon the corporate authorities of said town;

Joint memorial of the General Assembly of the State of Alabama to the Congress of the United States:

For the relief of E. B. Lott, tax collector of Mobile county;

The House has originated and passed the following bills:

To authorize the city of Selma to subscribe for railroad stock;

For the relief of Martha Ann C. Shaw, of the county of Coosa;

For the relief of Miranda Watson;

The House concurs in the amendment of the Senate to the House bill to compensate E. O. Greene."

Message from the Governor, by Mr. Phelan:

"Mr. President: The Governor has approved a bill which originated in the Senate, entitled "an act to compensate W. B. & A. R. Bell."

The House bill to authorize the city of Selma, to subscribe for railroad stock, was read three times forthwith and passed, and ordered forthwith to the House.

The House bill for the benefit of the Supreme Court and State Libraries, was read a second and third times and passed.

The House bills:

For the relief of Miranda Watson;

For the relief of Martha Ann C. Shaw, of Coosa county; were read three times forthwith and passed.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the bills:

For the relief of E. B. Lott, tax collector of Mobile county;

To prevent the sale of spirituous or vinous liquors in the town of New Lexington and in beat No. 2, West of North river, in Tuscaloosa county.

On motion of Mr. Chilton:

*Be it Resolved*, That, by the concurrence of the House of Representatives, the sum of fifty dollars be, and the same is hereby appropriated, out of any moneys in the treasury, to be drawn for by the President of the Senate on the Controller, who shall issue his warrant on the Treasurer, who shall pay the same to the President of the Senate, to be by him expended in paying the expense of clerk hire in the preparation of the military bill reported by the joint committee of the two Houses, and for the distribution of said bill, when printed among the members, by mail; and if any balance remain, he shall pay the same back into the hands of the Treasurer of the State.

On motion of Mr. Jemison, the vote ordering to a second reading the joint resolutions of the General Assembly on the subject of federal relations, was reconsidered, and they were made the special order for 12 o'clock, on the 9th day of January next.

The Senate then adjourned until to-morrow morning 10 o'clock.

SATURDAY, Dec. 17, 1859.

The Senate met pursuant to adjournment.

The hour of 12 o'clock, M., having arrived, Mr. President declared the Senate adjourned until Monday the 9th day of January next, at 10 o'clock.

MONDAY, Jan. 9, 1860.

The Senate met pursuant to adjournment.

There being no quorum present.

On motion of Mr. Cocke, the Senate took an informal recess.

At twenty minutes before 11 o'clock, a quorum being present, Mr. President again called the Senate to order, and it proceeded to business.

Upon the call of the districts, the following bills were introduced:

Mr. Hill: A bill to amend section 2318 of the Code; which was read and ordered to a second reading.

Mr. McSpadden: A bill to amend "an act to establish a medical board in the county of Cherokee; which was read three times forthwith and passed.

The Senate concurred in the amendment made by the House to the bill to incorporate the Book and Tract Society of the Methodist Episcopal Church South.

The House bill to compensate Dyer T. Blythe, for services rendered, was read the second time and referred to the committee on accounts and claims.

The House bill for the relief of William A. Bishop, of Tuscaloosa county, was read the second time and referred to the Committee on Sixteenth Sections.

The House bills:

For the relief of the creditors and distributees of Green W. Cole, deceased;

To regulate the pay of witnesses in criminal cases;

To regulate the trial of assaults, batteries and affrays;

To amend section 1473 of the Code of Alabama;

To regulate suits brought before Justices of the Peace in Marshall county;

To compel the county treasurers to keep their offices within a mile of the court house;

To amend the law in relation to the emancipation of slaves;

And the Senate bills:

To place the widows of deceased persons upon an equality with other distributees of their estates;

For the benefit of Jane L. Reed;

For the relief of Herbert C. Childress and Johnson J. Hooper;

Were severally read a second time and referred to the committee on the judiciary.

Message from the House, by Mr. Brewer:

"House of Representatives, Jan. 9, 1860.

Mr. President: The House has concurred in the resolution of the Senate, to illuminate the Capitol on the evening of the 9th inst.

The House has passed the Senate bill:

Making appropriation to pay the members and officers of the General Assembly.

The House has originated and passed the following bills:

For the relief of the heirs at law of William Hawn, deceased, late of Tuscaloosa county.

To authorize John E. Ward, of the county of Dale, to erect gates across a certain public road therein named.

To exempt justices of the peace and constables from working on roads in Randolph county, Alabama,

To locate permanently the seat of justice in Washington county.

To regulate the agencies of insurance companies not incorporated by the State of Alabama.

To locate permanently the seat of justice in Henry county.

The House has adopted the following resolution:

*Resolved*, That the Senate be informed that a quorum of the

House having assembled, the House is now ready to proceed to business."

The House bill to amend "an act to incorporate the Columbus and Tennessee Valley railroad company," was read the second time and referred to the committee on corporations.

The House bills:

Providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county to build a new court house;

To amend an act entitled an act, to locate the county site of Winston county," approved January 30th, 1858.

To divide the counties of Winston and Shelby into county commissioners' districts;

And the Senate bill to amend the road laws in the county of Marengo, in certain townships therein named;

Joint resolutions proposing amendments to the constitution of the State of Alabama;

Were severally read a second time and laid on the table.

The House bill to repeal and amend the road laws of Jackson county; and,

The Senate bill to destroy certain special deposits heretofore made in the State Bank and branches, received from the commissioner and trustee, under act of the 6th February, 1858, and now in the State Treasury;

Were severally read a second time and ordered to a third reading:

The House bill to authorize William H. Neville, of Sumter county, to erect gates across a certain public road, was read a second time and referred to the committee on roads, bridges and Ferries.

The House bill for the preservation of game in the county of Sumter, was read a second time and referred to the committee on propositions and grievances.

The House bill for the relief of Cherry Keyes; and,

The Senate bill to repeal the tax on revolving pistols;

Were severally read a second time and referred to the committee on finance and taxation.

The bill to incorporate the Pickensville branch of the Mobile and Ohio railroad company, was read a second time and referred to the committee on internal improvements.

The bills:

To amend the charter of the Tuskegee female college;

To incorporate the Octavia W. Le Vert Normal College for young ladies, at Dadeville, in the county of Tallapoosa;

Were read a second time and referred to the committee on education.

The bill for the benefit of the Supreme Court and State Libraries, was read a second time and laid on the table.

The bill to provide for the revision of the statute laws of the State of Alabama, was read a second time and referred to the committee on the judiciary.

The joint resolutions to aid Virginia to pay the expenses of the Harper's Ferry insurrection, were read a second time and referred to the committee on federal relations.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special orders; the first in order being

Joint resolutions of the General Assembly on the subject of federal relations; which,

On motion of Mr. Calhoun, were postponed until to-morrow, and made the special order for the hour of 12 o'clock.

The next in order being,

The bill to incorporate the Alabama Baptist State Convention; which,

On motion of Mr. Walker, was postponed until Friday next, and made the special order for the hour of 12 o'clock.

The House bills:

To incorporate the Trustees of the Methodist Episcopal Church, South, at Montgomery;

To locate permanently the seat of justice of Henry county;

To regulate the agencies of insurance companies not incorporated by the State of Alabama;

To locate permanently the seat of justice in Washington county;

To exempt justices of the peace and constables from working on roads in Randolph county, Alabama;

To authorize John G. Ward, of the county of Dale, to erect gates across a certain public road therein named;

For the relief of the heirs at law of Wm. Hawn, deceased, late of Tuscaloosa county;

Were severally read and ordered to a second reading.

The communication from the Governor in relation to the lands granted by Congress to aid in the construction of the Girard and Mobile railroad, was referred to the committee on judiciary, with instructions to report by bill or otherwise.

By leave, the following bills were introduced:

Mr. Bullock: to repeal section 2377 of the Code of Alabama, which was read and ordered to a second reading.

Mr. Cocke: to allow the commissioners' court of the county

of Perry to build a bridge across Cahaba river, in said county; also,

A bill to give the commissioners' court of Perry county to relieve L. Y. Tarrant;

Which were severally read three times and passed.

Mr. Cocke: a bill to repeal the law by which free negroes are tried for crimes and misdemeanors, so far as they apply to them; which was read twice and referred to the committee on the judiciary.

Mr. Felder presented the account of Myer & Marx against the State; which was referred to the committee on accounts and claims.

Mr. Felder presented the petition of Dr. A. M. Oliver and others, in relation to the establishing a board of dental surgeons, which was referred to the committee on corporations.

The Senate then adjourned until to-morrow morning ten o'clock.

TUESDAY, Jan. 10, 1860.

The Senate met pursuant to adjournment.

Upon the call of the districts, the following bills were introduced:

Mr. Felder: a bill to pay witnesses and costs in certain cases; also,

A bill to provide for the payment of witnesses where slaves are convicted of capital offences and pardoned.

Mr. Jones, of Fayette: a bill to amend an act to establish jury trials in justices' courts, approved Feb. 5, 1858;

Which were severally read twice and referred to the committee on the judiciary.

Mr. Calhoun: a bill to provide a military fund for the State of Alabama; which was read twice and referred to the committee on the judiciary.

Mr. Brewer: a bill to authorize J. W. Jeter to erect gates across the Barne's road, in Coosa county; which was read twice and referred to the committee on roads, bridges and ferries.

Mr. Woodward: the petition of sundry citizens of Sumter county, in regard to the preservation of game in said county; which was referred to the committee on propositions and grievances.

Mr. Staton: the account of Greene Loveless against the State of Alabama; which was referred to the committee on accounts and claims.

Mr. Fleming: a bill to compensate persons for taking up ne-



gro slaves; which was read twice and referred to the committee on finance and taxation.

Mr. Jemison: a bill to incorporate the Tuskegee female college; which was read and ordered to a second reading.

On motion of Mr. Austin, the vote ordering to a third reading the bill to repeal and amend the road laws of Jackson county, was reconsidered.

Mr. Austin offered the following amendment, which was adopted:

Sec. 5. Be it further enacted, That all laws now in force against defaulters be continued in full force in the said county of Jackson: and that no compensation for *ex officio* duties, so far as the public road service is concerned, shall be allowed to the sheriff and probate judge of said county.

The bill was ordered to a third reading.

The bills:

To repeal section 2377 of the Code of Alabama;

To amend section 2318 of the Code;

Were read the second time and referred to the committee on the judiciary.

The House bill to incorporate the trustees of Methodist Episcopal Church, South, at Montgomery, was read a second time and referred to the committee on corporations.

The House bill to locate permanently the seat of justice in Henry county, was read a second time and laid on the table.

The House bills:

To regulate the agencies of insurance companies not incorporated by the State of Alabama;

For the relief of the heirs at law of Wm. Hawn, deceased, late of Tuscaloosa county;

Were severally read a second time and referred to the committee on banks and banking.

The House bill to locate permanently the seat of justice of Washington county, was read a second time and referred to the committee on propositions and grievances.

The House bill to exempt justices of the peace and constables from working on public roads in Randolph county, Alabama, was read a second time and referred to the committee on finance and taxation.

The House bill to authorize John G. Ward, of the county of Dale, to erect gates across certain public roads therein named, was read a second time and referred to the committee on roads, bridges, and ferries.

The bills:

To incorporate the Marengo Rifles;

To amend section 43 of the Code, regulating mileage ;

To secure to the State of Alabama the benefits of the act of Congress, of September 28, 1850, by which all the swamp and overflowed lands within her limits unsold at the passage of said act, were granted to her upon certain conditions therein mentioned ;

Were severally read a third time and passed.

The bill to increase the salaries of certain officers therein named, was postponed until Tuesday next, 17th inst., and made the special order for the hour of 11 o'clock of that day.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following bills :

To amend an act to authorize the trustees of township 14, range 13, to collect notes due said township ;

To amend the charter of the town of Gainesville ;

To incorporate the Clintonville Academy ;

To incorporate the Palmyra Female Academy ;

Joint memorial of the Senate and House of Representatives ;

Making appropriation to pay the members and officers of the General Assembly ;

To authorize Robert Dougherty, trustee, to sell a portion of the trust estate, and to invest the proceeds of such sale ;

The bill to destroy certain special deposits heretofore made in the State Bank and Branches, received from the commissioner and trustee, under act of 6th February, 1858, and now in the State Treasury, was read a third time and passed.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being

The bill to provide for the calling of a convention of the people of the State of Alabama for the purpose of amending the constitution thereof, or the formation of a new constitution.

Mr. McIntyre moved to amend as follows :

Strike out "second" in the 4th line of section 1, and insert "first." Strike out "August" in 2d line of section 2, and insert "May." Strike out "November" in 5th line of section 1, and insert "June." At the end of section 1 add the following : "And further, to take such steps as they may deem proper and necessary to settle the terms upon which the State of Alabama will continue a member of the Federal Union ; fix the time within which those terms shall be definitely assented to by the other States, and do everything that they may consider necessary to maintain inviolate the sovereignty and honor of the State, even to a dissolution of her connection with the Union." In section 4, after the word "completed," in line 5th, as follows : "And

may adjourn to be convened again by the proclamation of the President at another time, if they deem it proper."

On motion of Mr. McIntyre, the bill and amendments were referred to committee on federal relations.

Message from the House by Mr. Brewer:

House of Representatives, Jan. 10.

Mr. President: The House has originated and passed bills of the following titles;

For the benefit of the legatees of James Eddins, deceased, of Pickens county;

To change the times of holding the chancery courts of the 37th district in the Northern division;

To amend an act approved December 15, 1851, to regulate the sale of spirituous liquors in the town of Elyton.

The bill to compensate Doctors Amerine and Fannin, of the county of Pike, being the special order for this day, was postponed until Friday next, and made the special order for the hour of 11 o'clock.

The bill to regulate the tax on railroad companies was postponed until Tuesday, 17th inst., and made the special order for the hour of 11 o'clock.

The House bills:

To change the times of holding the chancery courts in the 37th district in the Northern division;

To amend an act approved February 16, 1851, "to regulate the sale of spirituous liquors in the town of Elyton;"

Were severally read and ordered to a second reading.

The House bill for the relief of the legatees of James Eddins, of Pickens county, was read twice and referred to the committee on the judiciary.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being

Joint resolutions of the General Assembly on the subject of federal relations.

Mr. Felder moved to postpone the further consideration of the special order until to-morrow, 11 o'clock, which was lost.

Yeas 3, nays 20.

Yeas—Messrs. Felder, Jones of Fayette, and McSpadden.

Nays—Messrs. President, Austin, Brewer, Bullock, Calhoun, Chilton, Cocke, Fleming, Griffin, Hill, Horn, Jemison, Jones of Greene, McIntyre, Mitchell, Staton, Stone, Toulmin, Walker, and Woodward.

The resolutions were read a third time and passed.

Yeas—Messrs. President, Austin, Brewer, Bullock, Calhoun, Chilton, Cocke, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Staton, Stone, Toulmin, Walker, Woodward—22.

Nay—Mr. Felder—1.

Ordered forthwith to the Senate.

The Senate then adjourned until to-morrow morning, 11 o'clock.

WEDNESDAY, January 11, 1860.

The Senate met pursuant to adjournment.

Mr. Felder asked leave to change his vote taken on yesterday on the joint resolutions of the General Assembly, on the subject of federal relations; which was granted.

Whereupon, Mr. Felder voted yea.

Messrs. Wood, Heflin, and Higgins, asked leave to record their votes on the joint resolutions of the General Assembly; which was granted.

Whereupon, they voted yea.

Upon a call of the districts, the following bills were introduced:

Mr. Griffin: a bill to authorize Diety Hill to sell certain lands therein named;

Mr. Chilton: a bill for the relief of Stanford Mims;

Which were severally read a first and second times, and referred to the committee on the judiciary.

Mr. Griffin: petition of Newsom Randall, praying to be released from the penalty of the law of bigamy;

Mr. Felder: petition of John H. Jeter for titles to a certain lot of land; which was referred to the committee on sixteenth sections;

Mr. Woodward: a bill to-repeal an act therein named, so far as said act applies to the county of Choctaw; which was read three times and passed.

Mr. Jones of Greene: a bill for the relief of R. Carter Randolph, Lyddleton Smith and Randolph Spedden; which was read and ordered to a second reading;

Mr. Stone: petition of stockholders in Springville academy, with regard to the sale of spirituous liquors within half a mile of said academy; which was referred to the committee on corporations.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled:

The act to incorporate the Book and Tract Society of the Alabama Conference of the Methodist Episcopal Church, South.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill to authorize Benjamin F. Noble to dispose of certain property held by him in trust, for the benefit of his *cestui que trust*; which was read a third time and passed.

Mr. Walker, from the same committee, to whom was referred the bill to change the rule of evidence in certain cases, and to amend section 2318 of the Code, reported the following amendment, and recommended the passage of the bill as amended:

Add to the second section as follows: "all teachers of public schools while actually engaged in teaching."

Mr. Griffin moved to amend the amendment as follows:

Add thereto: "and overseers;" which was lost.

Mr. Cocke moved to amend as follows:

"And all persons living out of the county where such suit is pending, unless one of the parties to the suit will make affidavit before the clerk of said county, that the presence of said witness is necessary, in his or her opinion, to the ends of justice;" which was adopted.

Mr. Bullock moved to amend by striking out the first section; which was adopted.

Mr. McSpadden moved to reconsider the vote refusing to adopt the amendment to the amendment, offered by Mr. Griffin; which was lost.

Yeas 5, nays 20.

Yeas—Messrs. Griffin, Higgins, McIntyre, Toulmin, and Walker.

Nays—Messrs. President, Austin, Brewer, Bullock, Calhoun, Chilton, Cocke, Felder, Fleming, Heflin, Hill, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Staton, Stone, Wood, and Woodward.

The bill was then ordered to a third reading.

Mr. Bullock, from the same committee, reported favorably on the House bill to regulate suits brought before justices' of the peace in Marshall county.

The bill was ordered to a third reading.

Mr. Bullock, from the same committee, reported favorably on the House bill to compel the county treasurers to keep their offices within a mile of the court house.

The bill was ordered to a third reading.

Mr. Bullock, from the same committee, to whom was referred the House bill to amend the law in relation to the emancipation of slaves, reported the following amendment, and as amended recommended its passage:

"Sec. 5. *Be it further enacted*, That the provisions of this act shall not apply to wills and testaments, or other instruments, which may have become effectual before its passage."

The amendment was adopted, and the bill ordered to a third reading.

Message from the House by Mr. Brewer :

House of Representatives, Jan. 11.

Mr. President: The House concurs in the amendment of the Senate to the House bill to incorporate the Columbus and Fayetteville railroad company.

The House has originated and passed bills of the following titles :

To pay the account of Pfister, White & Co. ;

To amend an act therein named ;

To enlarge the provisions of section 1738 of the Code ;

For the relief of Daniel J. Mays, tax collector of Greene county ;

To repeal an act therein named ;

To compensate Burwell Haddox and Madison Haddox, for services rendered ;

To alter and amend an act incorporating the town of Girard, in the county of Russell ;

For the relief of Reece Price, late of Marengo county ;

To incorporate the mountain railroad contracting company ;

To revive and amend the act incorporating the Broad Street hotel company of Selma ;

To incorporate the Montgomery law school, and to make it the law department of the university of the State ;

To amend the mechanics' lien law of Dallas and Coosa counties ;

To enable the creditors of Philip Barton, deceased, to prove their claims ;

To authorize the sheriff of Montgomery county to make his return in the late special election for representative.

On motion of Mr. Chilton, the last mentioned bill was taken up, read three several times and passed.

Ordered forthwith to the House.

Mr. Felder, from the committee on the judiciary, to whom was referred the petition of Thomas R. Lide, and others, to increase the pay of witnesses, reported the following bill, and recommended its passage :

A bill to increase the pay of witnesses.

Mr. McSpadden moved to amend by inserting after the word "courts," the words "in the county of Montgomery," which was adopted.

The bill was read twice and ordered to a third reading.

On motion of Mr. Wood, the House bill to locate permanent-

ly the seat of justice in Henry county, was taken from the table read a third time and passed.

The House bill to enable the creditors of Philip Barton, deceased, to prove their claims, was read twice, and referred to the committee on the judiciary.

The bill to incorporate the Tuscaloosa female college;

And the House bill to incorporate the Montgomery law school, and to make it the law department of the University of the State;

Were read a second time, and referred to the committee on education.

The House bills:

To amend mechanics' lien law in Dallas and Coosa counties;

To revive and amend an act incorporating the Broad Street hotel company, in Selma;

To incorporate the mountain railroad contracting company;

For the relief of Reece Price, late of Marengo county;

For the relief of Daniel G. Mays, tax collector of Greene county;

To enlarge the provisions of section 1738 of the Code;

To alter and amend an act incorporating the town of Girard, in the county of Russell;

To amend an act therein named;

To pay the account of Pfister, White & Co.;

Were severally read and ordered to a second reading.

The joint memorial to Congress upon the subject of the swamp lands donated to Alabama by act of Congress of Sept. 28, 1850, was read a third time, passed, and ordered forthwith to the House.

The House bill to compensate Burwell Haddox and Madison Haddox for services rendered, was read twice and referred to the committee on accounts and claims.

The House bill to repeal and amend the road laws in Jackson county, was read a third time and passed.

The House bill to amend an act approved December, 1851, to regulate the sale of spirituous liquors in the town of Elyton, was laid on the table,

The House bill for the benefit of the legatees of James Eddins, deceased, of Pickens county, was read a second and third times, and passed.

The House bill to change the times of holding the chancery courts in the 37th district in the northern division, was read a second time and referred to the committee on the judiciary.

By leave,

Mr. Cocke introduced a bill to define the manner of trying

slaves for offences higher than petit larceny; which was read twice and referred to the committee on the judiciary.

On motion of Mr. Calhoun, the bill to provide for an efficient military organization of the State of Alabama, was taken from the table.

On motion of Mr. Cocke, the printed bill was substituted for the original.

Mr. Chilton moved to amend by striking out Marion in the 8th line, in 1st section; and insert "Macon," which was adopted.

On motion of Mr. Jones of Greene, the further consideration of the bill was postponed until Monday next, and made the special order for the hour of 11 o'clock, of that day.

The Senate then adjourned until to-morrow morning 10 o'clock.

#### THURSDAY, Jan. 12, 1860.

The Senate met pursuant to adjournment.

Mr. President laid before the Senate a communication from Hon. O. H. Bynum, asking to be excused further from serving on the committee on internal improvements, and asking that another be appointed in his place. Mr. Bynum was excused, and Mr. President appointed Mr. Nelson as one of the committee on internal improvements.

Mr. Cleveland asked leave to record his vote on the joint resolutions of the General Assembly, on the subject of federal relations; which was granted.

Whereupon Mr. Cleveland voted yea.

Upon a call of the districts, the following bills were introduced:

Mr. Horn: a bill to incorporate the Centerville male and female academy, in the county of Coffee, which was read three times forthwith and passed.

Mr. Horn: a joint resolution proposing that the two houses adjourn *sine die*, on Thursday, the 8th of Feb., 1860.

Mr. Cocke moved to lay the resolution on the table; which was lost.

Yeas 14, nays 14.

Yeas—Messrs. President, Austin, Brewer, Cocke, Hill, Jackson, Jemison, McIntyre, McSpadden, Nelson, Patton, Stone, Toulmin, Walker.

Nays—Messrs. Bullock, Burnett, Cleveland, Felder, Fleming, Griffin, Heflin, Horn, Jones of Fayettee, Jones of Greene, Mitchell, Staton, Wood, Woodward.

Mr Patton moved to postpone the further consideration of the



resolution until the 1st February next, and made the special order for the hour of 12 o'clock.

Message from the House, by Mr. Brewer :

HOUSE OF REPRESENTATIVES, Jan. 12.

Mr. President: The House has originated and passed the following bills :

To divorce Henrietta Earnest from Edward J. C. Earnest, and to divorce other persons therein named.

On motion of Mr. Stone, the call of the districts and the consideration of Mr. Horn's resolution were suspended for the purpose of considering the message from the House.

Whereupon, the bill to divorce Henrietta Earnest from her husband Edward J. C. Earnest, and to divorce other persons therein named, was read twice and referred to the committee on divorce and alimony.

Messrs. Nelson, Jackson and Patton asked leave to record their votes on the joint resolutions of federal relations, introduced by Mr. Jemison, which was granted; whereupon they all voted yea.

The Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, Jan. 13, 1860.

The Senate met pursuant to adjournment.

The question under consideration at the adjournment on yesterday, being the motion of Mr. Patton, that the resolution of Mr. Horn, proposing that the two houses adjourn *sine die* on the 8th Feb. next, which was carried.

Yeas 13, nays 9.

Yeas—Messrs. President, Austin, Calhoun, Higgins, Jackson, Jones of Greene, McSpadden, Patton, Rowe, Staton, Toulmin, Walker, Wood.

Nays—Messrs. Bullock, Burnett, Felder, Fleming, Griffin, Horn, Jones of Fayette, Mitchell, Stone.

Upon a call of the districts, the following bills were introduced :

Mr. Griffin: a bill to make Mary A. J. Perry, of the county of Russell, a free dealer, and for other purposes.

Mr. Felder: a bill to amend the charter of the city of Montgomery;

Which were severally read, and ordered to a second reading.

Mr. Jones of Greene: a bill to amend the act, approved Feb.

15, 1858, entitled an act to amend the act approved Feb. 15, 1854, and to extend the jurisdiction of the probate court.

Mr. Jackson: a bill to amend the 3rd section of an act to regulate and define the duties and liabilities of railroad companies in this State, approved Feb. 6, 1858;

Were read first, second and third times forthwith, and passed.

Mr. McSpadden: a bill to regulate the fees of register's in chancery, which was read and ordered to a second reading.

Mr. Jones of Greene: a bill for the benefit of Robert Lewis, which was read twice and referred to the committee on roads, bridges and ferries.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill to repeal the laws in the State of Alabama, securing to married women their separate estate, with the following amendments:

1. In the 4th section, between the words "acquired." and "and," insert the words "after the passage of this act."

2. In the 5th section, strike out all after the word "wife," in the 4th line, and insert in lieu thereof, the words "which shall have accrued after the passage of this act."

The amendments were adopted, and the bill postponed until Tuesday next, and made the special order for the hour of 12 o'clock of that day.

Mr. Stone, from the committee on education, reported favorably on the bill to amend the charter of the East Alabama male college at Auburn.

The bill was ordered to a third reading.

Mr. Stone, from the same committee, reported favorably on the bill to incorporate the Octavia Walton Lee Vert Normal college for young ladies, in the county of Tallapoosa.

The bill was ordered to a third reading.

Mr. Staton, from the committee on accounts and claims, to whom was referred the account of Greene Loveless, reported:

A bill for the relief of Greene Loveless; and recommended its passage.

The bill was read and ordered to a second reading.

Mr. Woodward, from the committee on roads, bridges and ferries, to whom was referred the bill to authorize J. W. Netlles to erect gates across the Barnes' road, in Coosa county, reported that the bill do lie on the table, and recommended as a substitute therefor the following:

A bill to prevent the evils of local legislation as to toll gates and bridges, and for other purposes therein named.

The original bill and report were laid on the table.

Pending consideration of the bill,  
The Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, Jan. 14, 1860.

The Senate met pursuant to adjournment.

Mr. Felder presented the accounts of E. M. Hastings, A. G. Hallmark and W. H. Benson, agents for the State, by act approved 8th February, 1858; which was referred to the committee on accounts and claims.

Upon a call of the districts, the following bills were introduced:

Mr. Austin: A bill to incorporate the Eureka Mining and Manufacturing company; which was read twice and referred to the committee on corporations.

Mr. Patton: A bill to regulate the service of process, attachments and garnishments, in certain cases therein named; which was read twice and referred to the committee on the judiciary.

Mr. Cocke: A bill to repeal in part "an act to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama.

The bill was read a first and second time.

Mr. Bullock moved to amend as follows:

"Sec. 3. That the privileges restored to said bank by the first section of this act be, and the same is hereby extended to all the banks of this State, anything in their charters to the contrary notwithstanding, upon the same conditions."

Mr. Cleveland moved to amend the amendment as follows:

"Provided, said banks shall keep their bills at par in the city of Mobile."

Mr. Cleveland moved to lay the bill and amendments on the table; which was lost.

Yeas 6, nays 24.

Yeas—Messrs. Calhoun, Cleveland, Hill, Jones of Greene, Stone, Toulmin.

Nays—Messrs. President, Austin, Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Fleming, Heflin, Higgins, Horn, Jackson, Jemison, Jones of Fayette, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker, Wood, Woodward.

Mr. Cleveland moved to refer the bill and amendments to the committee on banks and banking; which was lost.

Yeas 10, nays 20.

Yeas—Messrs. President, Calhoun, Cleveland, Hill, Jones of Greene, Patton, Rowe, Stone, Toulmin, Woodward.

Nays—Messrs. Austin, Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Fleming, Heflin, Higgins, Horn, Jackson, Jemi-

son, Jones of Fayette, McSpadden, Mitchell, Nelson, Staton, Walker, Wood.

Mr. Cocke moved to lay Mr. Cleveland's amendment on the table, which was carried.

Yeas 17, nays 13.

Yeas—Messrs. President, Austin, Brewer, Bullock, Chilton, Cocke, Felder, Heflin, Horn, Jackson, Jemison, McSpadden, Mitchell, Patton, Rowe, Walker, Wood.

Nays—Messrs. Burnett, Calhoun, Cleveland, Fleming, Higgins, Hill, Jones of Fayette, Jones of Greene, Nelson, Staton, Stone, Toulmin, Woodward.

Message from the Governor, by Mr. Phelan, his Private Secretary.

“Mr. President: His Excellency the Governor has approved bills which originated in the Senate, of the following titles:

For the relief of E. P. Lott, tax collector of Mobile county.

To prevent the sale of spirituous or vinous liquors in the town of New Lexington and in beat No. 2, West of North river, in Tuscaloosa county.

Making appropriations to pay members and officers of the General Assembly.

To authorize Robert Dougherty, trustee, to sell a portion of the trust estate, and to invest the proceeds of said sale.

To incorporate the Book and Tract Society of the Alabama Conference of the Methodist Episcopal Church South.

To incorporate the Palmyra Female Academy, in Barbour county.

To amend an act to authorize the trustees of township 14, range 13, to collect notes due said township.

To incorporate the Clintonville Academy, in Coffee county.

Joint memorial to the Congress of the United States.”

Leave of absence was granted to Mr. Griffin.

On motion of Mr. McSpadden, the business before the Senate was suspended to allow him to make a report. Whereupon,

Mr. McSpadden, from the committee on divorce and alimony, reported favorably on the House bill to divorce Henrietta Earnest from her husband Edward J. C. Earnest, and to divorce other persons therein named.

The bill was read a third time and passed.

Yeas 25, nays 4.

Yeas—Messrs. President, Austin, Brewer, Bullock, Burnett, Chilton, Cleveland, Cocke, Felder, Fleming, Heflin, Higgins, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene,

McSpadden, Nelson, Patton, Staton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Hill, Rowe, Woodward.

The Senate then adjourned until Monday morning 10 o'clock.

MONDAY, Jan. 16, 1860.

The Senate met pursuant to adjournment.

The question pending at the adjournment on Saturday, being the amendment offered by Mr. Bullock to the bill "to repeal in part an act to legalize the suspension of specie payments by the Central and Commercial Banks.

The amendment was adopted, and the bill read a third time and passed.

Yeas 17, nays 7.

Yeas—Messrs. Austin, Brewer, Bullock, Cocke, Felder, Fleming, Heflin, Jackson, Jemison, Jones of Fayette, McSpadden, Nelson, Rowe, Staton, Walker, Wood, Woodward.

Nays—Messrs. President, Calhoun, Hill, Jones of Greene, Stone, Toulmin.

Ordered forthwith to the House.

Message from the House by Mr. Brewer.

House of Representatives, Jan. 16.

Mr. President: The House has originated and passed bills with the following titles:

To prevent frivolous or malicious prosecutions.

To incorporate the Eutaw Insurance company, in Greene county.

For the relief of Samuel S. Harris, of the county of Autauga.

Upon a call of the districts, the following bills were introduced:

Mr. Toulmin: A bill to incorporate a Medical Board at Mobile; which was read twice and referred to the committee on education.

Mr. Horn: A bill to incorporate the Opelika Male Academy; which was read three several times and passed.

Mr. Wood: A bill to amend an act to compensate tales jurors; which was read twice and referred to the committee on the judiciary;

Also, a bill for the relief of the tax collector of Henry county; which was read and ordered to a second reading.

Mr. Bullock: A bill to construe and extend the operation of sections 1991 and 1992 of the Code of Alabama.

Mr. Calhoun: A bill to amend section 1998 of the Code.

Mr. Cocke: A bill to change the practice as to slaves and free persons of color.

Which were severally read twice and referred to the committee on the judiciary.

Mr. Woodward presented the petition of Robert Curtis, for pay for a slave that died in jail, &c.; which was referred to the committee on propositions and grievances.

Mr. Cocke: A bill to incorporate the Marion Insurance and Trust company; which was read twice and referred to the committee on Corporations.

Mr. Cocke presented the petition of Joseph P. Mount and others; which was referred to the committee on propositions and grievances.

Mr. Heffin: A bill accompanied with a petition, defining the boundaries of a new election precinct in the county of Randolph, and for other purposes.

The bill was read twice and referred to the committee on county boundaries.

Mr. Jemison; A bill to incorporate the Warrior Guards, in the city and county of Tuscaloosa.

Mr. Horn: A bill to incorporate the Coffee Rifles, in Coffee county.

Which were read twice, and referred to the committee on the military.

The next thing in order, being the bill to prevent the evils of local legislation, as to toll gates and bridges, and for other purposes therein named; which was read a first, second and third times forthwith and passed.

Mr. Bullock, from the committee on the judiciary, reported adversely to the bill to provide for the safe-keeping of lunatics in certain cases.

The report was concurred in.

Mr. Stone, from the committee on education, reported favorably on the House bill to incorporate the Montgomery law school, and to make it the law department of the University of the State.

The bill was read a third time forthwith and passed.

Mr. Stone, from the same committee, reported favorably on the bill to incorporate the Tuscaloosa female college, with the following amendment:

Strike out "directors" where it occurs in the bill, and insert "trustees."

The amendment was adopted, and the bill read a third time and passed.

Mr. Jones of Fayette, from the committee on county bounda-

ries, reported favorably on the bill to change the county boundaries between the counties of Shelby and St. Clair.

The bill was read a third time and passed.

On motion of Mr. McSpadden, the vote just taken was reconsidered, as was also the vote ordering the bill to a third reading; and the bill was re-committed to the committee on the judiciary.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the special orders, the first in order being:

The bill to compensate Doctors Amerine and Fannin;

The question being on the motion of Mr. Felder to fill the blank with \$2,450; which was lost.

Mr. McIntyre moved to fill the blank with \$2,000; which was lost.

Yeas 10, nays 17.

Yeas—Messrs. Bullock, Cocke, Felder, Horn, Jackson, Jemison, McIntyre, Rowe, Wood, Woodward.

Nays—Messrs. President, Austin, Brewer, Calhoun, Cleveland, Fleming, Heflin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Staton, Stone, Toulmin, Walker.

Mr. Walker moved to amend by way of substitute; which was adopted.

Yeas 18, nays 9.

Yeas—Messrs. President, Austin, Brewer, Calhoun, Chilton, Fleming, Heflin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker.

Nays—Messrs. Bullock, Cocke, Felder, Horn, Jackson, Jemison, McIntyre, Wood, Woodward.

The bill as amended was ordered to a third reading.

The next special order being:

The bill to provide for an efficient military organization of the State of Alabama.

On motion of Mr. Jones of Greene, the further consideration of the bill was postponed until to-morrow, 11 o'clock.

The next special order being:

The bill to regulate the entries of decrees by judges of probate in insolvent estates; which was postponed until Monday next, 23d inst., 11 o'clock.

On motion of Mr. Patton,

*Resolved*, That the committee on federal relations be instructed to inquire into the feasibility of establishing direct trade between this State and Europe.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being:

The bill to incorporate the Alabama Baptist State Convention.

The question being on adopting the amendments made by the committee.

On motion of Mr. Rowe, the report and amendments were laid on the table.

The amendment offered by Mr. Gilton was adopted, and the bill read a third time and passed, and ordered forthwith to the House.

On motion of Mr. Cocke,

*Resolved*, That the committee on the judiciary be directed to enquire into the constitutional right of the Legislature of this State to pass a law taxing at a higher rate goods bought in the Northern States and sold in the Southern markets, than like goods purchased at Southern markets.

*Resolved, further*, That said committee take into consideration the propriety and expediency of legislative action upon the resolutions passed at a meeting of the citizens of Perry county, on the 2d January, 1860; and, if said committee deem it expedient, that they be directed to report a bill to carry out the object of the said resolutions, so far as they contain instructions to the Senator and Representatives of said county.

The House bill for the relief of Samuel S. Harris, of the county of Autauga, was read and ordered to a second reading.

The House bill to incorporate the Eutaw Insurance company, in Greene county, was read and ordered to a second reading.

The House bill to prevent frivolous or malicious prosecutions, was read twice and referred to the committee on the judiciary.

The Senate concurred in the first amendment made by the House to the bill to amend the charter of the town of Demopolis, and to confer additional powers on the corporate authorities of said town, and refused to concur in the second amendment.

The bill to change the rule of evidence in certain cases, and to amend section 2318 of the Code, was read a third time and passed. The caption was amended so as to read: "To amend section 2318 of the Code."

The bill to increase the pay of witnesses, was read a third time and passed. The caption was amended by adding thereto: "in the county of Montgomery."

The bill to amend the charter of the East Alabama male college at Auburn;

The House bills:

To amend the law in relation to the emancipation of slaves;



To regulate suits brought before justices' of the peace in Marshall county;

To compel the county treasurer's to keep their offices within one mile of the court house;

Were severally read a third time and passed.

The House bills:

To amend the mechanics' lien law in Dallas and Coosa counties;

To enlarge the provision of section 1738 of the Code;

To amend an act therein named;

And the bills:

To regulate the fees of registers in chancery;

For the relief of R. Carter Randolph, Lyddleton Smith, and Randolph Spedden;

Were severally read a second time and referred to the committee on the judiciary;

The House bills:

To incorporate the mountain railroad contracting company;

To revive and amend the act incorporating the Broad Hotel company of Selma;

Were severally read a second time and referred to the committee on corporations;

The House bills:

For the relief of Reece Price, late of Marengo county;

To repeal an act therein named;

For the relief of Daniel G. Mays, tax collector of Greene county;

Were severally read the second time and referred to the committee on finance and taxation.

The bill to pay the account of White, Pfister & Co., was read a second time and referred to the committee on accounts and claims.

The House bill to alter and amend an act incorporating the town of Girard, in the county of Russell, was laid on the table.

The bills:

For the relief of Greene Loveless;

To amend the charter of the city of Montgomery;

Were read a second and third times and passed.

The bill to make Mary A. J. Perry, of the county of Russell, a free dealer, and for other purposes, was laid on the table.

The House bills:

To amend an act, approved December 16, 1851, "To regulate the sale of spirituous liquors in the town of Elyton;"

To divide the counties of Winston and Shelby into county commissioner's districts;

Were taken from the table, read a third time and passed.

The House bill to consolidate the office of tax assessor and collector in the county of Marion, was taken from the table.

Mr. Jones of Fayette, moved to amend section 2d, by striking out "1860," and inserting "1861."

The amendment was adopted, and the bill read a third time and passed.

The Senate then adjourned until to-morrow morning 10 o'clock.

TUESDAY, January 17, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Calhoun: a bill to increase the salaries of the chancellors of the middle and northern chancery divisions.

Also, a bill to increase the salaries of the judges of the Supreme Court.

Mr. Jemison: a bill to obviate captious objections, and to secure speedy trials in certain cases.

Mr. Stone: a bill to regulate amendments in chancery.

All of which were read twice, and referred to the committee on the judiciary.

Mr. Jones of Greene: a bill to lend a portion of the three per cent. fund to the Uniontown and Jackson railroad company; which was read twice, and referred to the committee on internal improvements.

Mr. Jackson: a bill to furnish LaGrange military academy with arms, and for other purposes; which was read twice and referred to the committee on the military.

Mr. Fleming: a bill making an appropriation to pay the expenses of illuminating the Capitol on the 9th instant.

Mr. Patton: A bill to create an additional term for the 20th chancery district of the northern division;

Which were severally read three times and passed.

Mr. Bullock, from the committee on the judiciary, reported favorably, on the bill to change the times of holding the chancery courts in the 37th district, in the northern division.

The bill was read a third time and passed.

Mr. Bullock, from the same committee, reported favorably, with the following amendment, on the bill to provide for the revision of the statute laws of Alabama: Strike out in first section the words "shall be elected by the joint vote of the present General Assembly," and insert in lieu thereof the words,

"shall be appointed by the Governor and confirmed by a majority of the Senate."

Mr. Jones, of Greene, moved to amend the amendment by striking out the words "of the Senate," and inserting "of each branch of the General Assembly."

On motion of Mr. Cocke, the amendments were laid on the table.

The bill was read a third time and passed.

The caption was amended by striking out the word "revision" and inserting "a digest."

Mr. Calhoun, from the same committee, reported it as inexpedient to pass the bill to repeal section 2377 of the Code of Alabama.

The hour of 12 o'clock having arrived, the consideration of all the special orders was suspended for the purpose of considering the report of the committee; and on motion of Mr. Walker, to allow the joint committee appointed to examine into the condition of the two and three per cent. funds to make their report.

Mr. Bullock moved to lay the report of the committee on the bill to repeal section 2377 of the Code on the table, which was lost.

Yeas 15, nays 15.

Yeas—Messrs. President, Austin, Brewer, Bullock, Burnett, Cleveland, Felder, Jemison, McIntyre, Nelson, Rowe, Staton, Stone, Toulmin, Wood.

Nays—Messrs. Calhoun, Chilton, Cocke, Fleming, Griffin, Heflin, Higgins, Hill, Horn, Jackson, Jones of Fayette, Mitchell, Patton, Walker, Woodward.

Mr. Calhoun moved to lay the bill and report on the table.

A division being called for, the question was first taken on laying the bill on the table, which was carried.

Yeas 16, nays 15.

Yeas—Messrs. Calhoun, Chilton, Cocke, Fleming, Griffin, Heflin, Higgins, Hill, Horn, Jones of Fayette, Jones of Greene, Mitchell, Patton, Toulmin, Walker, Woodward.

Nays—Messrs. President, Austin, Brewer, Bullock, Burnett, Cleveland, Felder, Jackson, Jemison, McIntyre, Nelson, Rowe, Staton, Stone, Wood.

Message from the House.

House of Representatives, Jan. 17.

Mr. President: The House has originated and passed bills of the following titles:

To legalize and confirm certain payments by the tax collectors to the tax assessors of Marion county ;

To incorporate the Dayton Female Academy, in the town of Dayton, Marengo county ;

To incorporate Pine Grove Church, in Barbour county ;

To allow the qualified voters of Walker county to elect a county surveyor for said county ;

To amend the charter of the town of Talladega ;

To amend the charter of the town of Dayton, in Marengo county ;

To authorize the probate court of Russell county to sanction a division of the slaves of Toliver Jones, deceased, as therein shown ;

To repeal a portion of an act to incorporate the Midway Academy, in Barbour county ;

Amendatory of an act to locate the seat of justice in Jackson county, approved Dec. 17, 1859.

The House has passed the Senate bill to authorize the city council of Eufaula to indemnify subscribers to certain stock to the South-western Railroad, in the State of Georgia, and to purchase the right of way for the extension of said road to the depot in said city.

The House concurs in the Senate amendments to the following bills:

To repeal and amend the road laws in Jackson county ;

To amend the law in relation to the emancipation of slaves ;

To consolidate the offices of tax collector and assessor in the county of Marion.

Mr. Walker, from the joint committee to state an account between the State of Alabama and the two and three per cent. funds, which accounts could show the amount received ; also if any and what disposition has been made of any portion of said funds, reported from said committee.

Mr. Jones, of Greene, moved to lay the report on the table and print 3,300 copies.

A division of the question being called for, the question was first put on laying on the table, which was carried.

Mr. Cocke moved to amend Mr. Jones's motion by striking out 3,300 and inserting 1,000.

The question being first taken on printing 3,300 copies, was lost.

Yeas 9, nays 21.

Yeas—Messrs. Burnett, Cleveland, Higgins, Jones of Greene, McIntyre, Nelson, Staton, Stone, Walker.

Nays—Messrs. Austin, Brewer, Bullock, Calhoun, Chilton, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jackson, Jemison, Jones of Fayette, Mitchell, Patton, Rowe, Toulmin, Wood, Woodward.

Mr. Patton moved to print 3,000 copies for the use of both Houses.

Mr. Wood moved to amend as follows:

*Provided*, That the cost of printing be paid out of the three per cent. fund.

Which was lost.

Mr. Patton's motion prevailed.

Ordered, That the secretary inform the house that the Senate had ordered 3,000 copies of said report to be printed for the use of both Houses of the General Assembly.

A further suspension of the general orders was had to consider the following communication from the Governor:

EXECUTIVE DEPARTMENT, MONTGOMERY, Ala., }  
January 17th, 1860. }

*Gentlemen of the Senate:*

In obedience to the request of the Governor of the State of South Carolina, I hereby transmit to the Senate certain joint resolutions passed by the General Assembly of that State at its last session, to which your special attention is invited. The first resolution declares it to be the deliberate judgment of the General Assembly that the slaveholding States should immediately meet together to concert measures for united action. I infer from the preamble and resolutions that the object of the proposed convention is to concert measures for united action with reference to secession from the Union. To call a convention with this view at this time, is in my opinion premature. The Senate has passed resolutions requiring the Governor of Alabama to call a State convention in the event a "Black Republican" should be elected President of the United States in 1860. These resolutions fully meet my approbation, and I think fix the proper time for calling a convention of the State and of the slaveholding States, provided the contemplated contingency occurs; and if it does not occur, there will be no necessity for a convention.

I do not doubt the right of a State to secede from the Union when, acting in her sovereign capacity, she deems it her duty to do so. And I also deem it proper in such a case for the State proposing to secede to advise and consult with her sister States, whose interests are similarly affected, to bring about concert of action.

I fully concur with the Legislature of South Carolina in the principles set forth in the resolutions, but deem it inexpedient to call a convention of the slaveholding States, "immediately," for the purposes contemplated in the resolutions.

Very respectfully,

A. B. MOORE.

On motion of Mr. Calhoun,

*Resolved*, That, with the concurrence of the House of Representatives, the communication of the Governor and the accompanying resolutions of the State of South Carolina, be referred to a joint select committee, to be composed of five members on the part of the Senate and such number as may be agreed upon by the House of Representatives.

Whereupon, Mr. President appointed Messrs. Jones of Greene, Jemison, Bullock, Patton and Stone, the committee on the part of the Senate.

Ordered forthwith to the House.

The special order, being

The bill to regulate the tax on railroad companies.

On motion of Mr. Patton, the bill and amendments were referred to the committee on finance and taxation.

The next special order being,

The bill to provide for an efficient military organization of the State of Alabama.

On motion of Mr. Cocke, the Senate proceeded to the consideration of the bill by sections.

The first section having been read,

The Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, January 18, 1860

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Wood: A bill to incorporate the Columbia True Blues, in Henry county, which was read twice and referred to the committee on the military.

Mr. Bullock: A bill to construe and extend the operation of the revenue laws of Alabama in certain cases therein named; which was read twice and referred to the committee on finance and taxation.

Mr. Chilton: A bill to amend the law as respects the lien of executions;

Also, a bill to amend the attachment laws;

Which were read twice and referred to the committee on the judiciary.

Mr. Woodward : a bill to aid the Mississippi, Gainesville and Tuscaloosa railroad company, which was read twice and referred to the committee on internal improvements;

Also, a bill for the relief of the register of the chancery court of Sumter county, which was read twice and referred to the committee on accounts and claims.

Mr. Bullock from the committee on the judiciary, reported favorably on the House bill to amend section 1473 of the Code of Alabama.

Mr. Bullock moved to amend by striking out military company, which was adopted, and the bill ordered to a third reading.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled.

An act to authorize the city council of Eufaula, to indemnify subscribers to certain stock in the South-Western railroad of the State of Georgia, and to purchase the right of way for the extension of said road to the depot in said city.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill to regulate and define the duty and liability of railroad companies.

Mr. Walker moved to amend as follows: Suits against said railroad companies to recover damages for injuries to stock shall be commenced thereafter within six months, and the claim shall be presented to the company within three months after the stock shall have been injured, or no suit shall be maintained.

Mr. Walker's amendment was laid on the table.

Mr. Bullock moved to amend as follows :

That persons claiming damages from any railroad company in this State, for injury to stock be; and they are hereby required to present such claim at any office of such company on the line of the road within six months after the right to such damages shall have accrued, or after the injury shall have been discovered by the person whose property has been damaged; and failing to present such claims within said time, such person or persons shall be forever barred from prosecuting the same.

Mr. Griffin moved to lay the bill and amendments on the table, which was lost.

Yeas 6, nays 23.

Yeas—Messrs. Calhoun, Fleming, Griffin, Higgins, Mitchell, Walker.

Nays—Messrs. President, Austin, Brewer, Bullock, Burnett,

Chilton, Cleveland, Cocke, Felder, Heflin, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, Nelson, Rowe, Staton, Stone, Toulmin, Wood, Woodward.

The hour of 11 o'clock having arrived,

On motion of Mr. Rowe, the special orders as well as the general orders were suspended to allow committees to report.

The Senate proceeded with the consideration of the bill and report before the Senate.

Mr. Calhoun moved to amend the amendment as follows: And shall sue thereon within one year, or said claim shall be barred.

The amendment was laid on the table.

Mr. Griffin moved to amend as follows: And the agent at said office shall write on the claim "presented," and date and sign the same, which was adopted.

On motion of Mr. Jemison, the bill, report and amendments was referred to a select committee, composed of Messrs. Jackson, Mitchell and Bullock.

Mr. Jackson, from the select committee, afterwards reported an additional section (as section 2,) as an amendment, which was adopted, and the bill read a third time and passed.

Message from the House, by Mr. Brewer.

#### HOUSE OF REPRESENTATIVES, Jan. 18, 1860.

Mr. President: The House has originated and passed the following bills:

For the relief of Foster M. Kirksey, executor of Robert B. W. Kirksey;

To authorize executors and administrators in certain cases to invest the surplus moneys in their hands;

For the benefit of the estate of A. G. Brown, in Sumter county;

To incorporate the Gainesville female college;

To authorize the election and appointment of an additional county surveyor for Calhoun county;

To repeal the law declaring Chattooga river a public highway;

For the relief of the idiotic sons of Eli Watts, of Marshall county;

To amend an act, approved Feb. 8, 1858, to incorporate the male and female academy, in Fayetteville, Talladega county;

Mr. Bullock, from the committee on the judiciary, reported favorably with the following amendment, on the bill to provide for the pay of witnesses where slaves are convicted of capital offences, and pardoned.



Amend by inserting between the words "shall" and "sell," "on motion in the circuit court of the county in which such slave or slaves shall have been tried; made in the name of the State for the use of the officers of court."

The amendment was adopted, and the bill ordered to a third reading.

Mr. Bullock, from the same committee, reported favorably on the House bill to regulate the trial of assaults, batteries and affrays.

The bill was ordered to a third reading.

Mr. Bullock also reported favorably on the bill to pay witnesses and costs in certain cases.

The bill was ordered to a third reading.

Also, favorably on the bill for the relief of Stanford Mims. The bill was read a third time and passed, and ordered forthwith to the House.

The following communication was received from the Governor by Mr. Phelan, his private Secretary:

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Jan. 18, 1860.

*Gentlemen of the Senate:*

For many years a controversy has existed between the States of Georgia and Alabama, in regard to the boundary line between the two States:

In order to fix the precise line and settle this vexed question, the State of Alabama employed James E. Belser and Edward L. Dargan to commence a suit, by bill of complaint, in the supreme court of the United States. These gentlemen were each paid a fee of one thousand dollars as a retainer. This information, I derive from Judge Dargan, one of the solicitors in the cause. The bill was filed in the lifetime of Mr. Belser, but before the case was argued in the supreme court, he died, and Judge Dargan applied to me to appoint some one to take the place of Mr. Belser, and being satisfied from a conference had with him that it was necessary, I employed Col. P. Phillips, of Mobile, who is now a resident at Washington, to prepare and argue the case with Judge Dargan. No fee was agreed upon, but it was understood and agreed between us that he was to look to the legislature for an appropriation to pay him for his services. The case has been prepared and argued, (though not decided by the court;) and these gentlemen ask me to call the attention of the legislature to the subject. They each suggest that one thousand dollars to each of them would be a reasonable fee.

I send you the printed argument of each, which will inform the Senate of the nature and importance of the suit.

I recommend that such fee as the legislature may deem just and proper be provided for at the present session of the General Assembly.

Respectfully,

A. B. MOORE.

Mr. Bullock, from the committee on the judiciary, reported favorably on the House bill to enable the creditors of Philip Barton, deceased, to prove their claims.

The bill was read a third time and passed;

Also, adversely to the bill to regulate the service of process, attachments and garnishments, in certain cases therein named.

The report and bill were laid on the table.

Mr. Bullock, from the same committee, reported adversely to the bill to amend section 2318 of the Code, as the object of said bill has been accomplished by a bill which has already passed the Senate, and that it is unnecessary further to legislate on the subject.

The report was concurred in.

On motion of Mr. Bullock, the business before the Senate was suspended, and the House bills

Providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county to build a new court house; and

To amend an act entitled an act to locate permanently the the county site of Winston county, approved January 30, 1858;

Were taken from the table, read a third time and passed.

Mr. Jones of Fayette, from the committee on the judiciary, reported favorably on the bill to amend an act to establish jury trials in justices' courts, approved Feb. 5, 1858.

The bill was ordered to a third reading.

Mr. Hill asked leave to be discharged from the committee on the penitentiary, which was granted.

Mr. President appointed Mr. Horn to fill the vacancy.

Mr. Calhoun, from the committee on the judiciary, to whom was referred the bill to define the manner of trying slaves for offences higher than petit larceny, reported a substitute therefor, and recommended its passage.

Mr. Calhoun moved to amend by striking out the 7th section, which was adopted.

Mr. Cocke moved to amend section 2, by inserting the words "or relation of the master," after the word "master," in said section.

Which was adopted.

Also, to amend the last section by striking out "5" and inserting "15." Strike out "10" and insert "30," which was adopted.

On motion of Mr. Chilton, the bill and amendments were re-committed to the committee on the judiciary.

On motion Mr. Chilton, Mr. Cocke was added to the committee on the judiciary.

On motion of Mr. Brewer, Mr. McSpadden was added to the committee on the Penitentiary, to fill the vacancy occasioned by the absence of Mr. Bynum.

Mr. Chilton, from the committee on the judiciary, reported favorably on the bill for the benefit of Jane L. Reed.

The bill was read a third time and passed.

Mr. Stone, from the same committee, reported adversely to the "bill to authorize Dicey Hill, to sell certain lands therein named."

The report was concurred in.

Mr. Calhoun, from the same committee, reported favorably to the "joint resolutions to aid Virginia to pay the expenses of the Harper's Ferry insurrection," and recommended that the blank be filled with "fifty thousand dollars."

The amendment was adopted, and the joint resolutions read a third time and passed.

Yeas 27, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Calhoun, Cleveland, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Rowe, Stone, Toulmin, Walker, Wood, Woodward:

Nays—Messrs. Austin, Higgins, Jones of Fayette, Staton.

Mr. Calhoun, from the same committee, to whom was referred the "bill to provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution thereof, or the formation of a new constitution," together with the amendments offered by Mr. McIntyre, recommended the rejection of the amendments and the passage of the bill.

On motion of Mr. McIntyre, the report was laid on the table, and by leave, his amendments withdrawn.

The bill was read a third time and passed.

Mr. Toulmin, from the committee on propositions and grievances reported favorably to the House bills:

"For the preservation of game in Sumter county;" and,

"To locate permanently the seat of justice in Washington county."

The bills were ordered to a third reading.

Mr. Rowe, from the committee on accounts and claims, reported favorably to the House bills:

"To compensate Burwell Haddox and Madison Haddox, for services rendered;"

"To compensate Dyer S. Blythe, for services rendered."

The bills were read a third time and passed.

Mr. Rowe, from the same committee, to whom was referred the account of E. M. Hastings and others, and Jacob Myers, reported the following bill and recommended its passage:

A bill to compensate E. M. Hastings, A. G. Hallmark, William H. Benson and Jacob Myers, for services rendered the State.

The bill was read and ordered to a second reading.

Mr. Mitchell, from the committee on corporations, reported favorably on the House bill: "To amend the charter of the Lafayette Branch Railroad company, and to change the name of said company."

The bill was read a third time and passed.

Mr. McIntyre, from the same committee, reported a substitute with the same title, for the bill "to incorporate the Troy Insurance company, in Pike county."

The bill was read a third time, passed, and ordered forthwith to the House.

Mr. Walker, from the same committee, reported favorably on the House bills:

To incorporate the Eastern Shore and Mobile steamboat company; and,

To incorporate the trustees of the Methodist Episcopal Church South, at Montgomery.

The bills were ordered to a third reading.

Also, favorably to the House bill, "to establish a Medical Board in the county of Coffee."

And to the bills:

To incorporate the town of Rockford, in Coosa county;

To amend "an act to incorporate the Alabama Fire and Marine Insurance company of Montgomery.

All of which were severally read a third time and passed.

Mr. Austin, from the same committee, reported it as inexpedient to legislate upon the petition of sundry citizens of St. Clair county, asking the incorporation of the Springville Male and Female Academy.

Report concurred in.

Mr. Austin, from the same committee, reported favorably on the "bill to incorporate the Eureka Mining and Manufacturing company."

The bill was ordered to a third reading.

Mr. Jones, of Fayette, from the same committee, reported favorably on the House "bill to amend an act to incorporate the Columbus and Tennessee Valley railroad company," with the following amendment:

Strike out the name of "Thomas P. McConnell," and insert the name of "Samuel Wright."

The amendment was adopted, and the bill read a third time and passed.

On motion of Mr. Woodward, the House bill for the benefit of the estate of A. J. Brown; in Sumter county, was taken from the message of the House, read three several times and passed.

Mr. Chilton, from the special committee, to whom was referred the House bill, "to re-organize and fix the times of holding the chancery courts," reported favorably thereon; with the following amendments;

Strike out all of the first section after what relates to holding the chancery court in Greene county down to and including what relates to holding said court in Bibb county, and in lieu thereof insert the following: "For the 19th district, composed of the county of Tuscaloosa, on the 4th Monday of June and 2d Monday of February; the summer term to continue three days if necessary, and the winter term until the business is disposed of. For the 20th district, composed of the county of Pickens, on the Thursday after the 4th Monday of June and the 1st Monday of February; the June term to continue three and the February term six days each, if required. The 21st district, composed of the counties of Fayette and Marion, on the 1st Monday after the 4th Monday of June; to continue three days if required. For the 22d district, composed of the county of Jefferson, on the 2d Monday after the 4th Monday of June; to continue three days if required. For the 23d district, composed of the county of Bibb, on the Thursday after the 2d Monday after the 4th Monday of June; and continue until the business is disposed of;

Also, so amend as to make section 2, as the bill now stands, section 3, and insert between it and the first section the following:

SEC. 2. *Be it further enacted*, That there be, and is hereby created an additional chancery district in said middle chancery division, to be composed of the county of Walker, to be numbered the 41st chancery district, and there shall be held one term of the chancery court in said district each year, to commence on the Thursday after the first Monday after the fourth Monday of June, and continue three days if necessary."

The amendments were adopted, the bill read a third time and passed.

The Senate then adjourned until to-morrow morning ten o'clock.

THURSDAY, Jan. 19, 1860.

The Senate met pursuant to adjournment.

Upon the call of the districts, the following bills were introduced :

Mr. McIntyre : A bill to provide for the holding of a convention of the people of Alabama, to take such steps as it may deem necessary to effect a speedy and final adjustment of all matters of sectional controversy between the North and the South ; which was read and ordered to a second reading.

Mr. Mitchell : A bill to amend section 3256 of the Code.

Mr. Nelson : A bill to authorize William C. Davis, administrator of the estate of Thomas C. Davis, deceased, to sell certain lands therein named ; which were severally read twice and referred to the committee on the judiciary.

Mr. Hill : A bill regulating auction licenses in Talladega county ; which was read twice and referred to the committee on finance and taxation.

Mr. Jackson : A bill to establish and maintain a State Military Academy ; which was read twice and referred to the joint military committee of the two Houses, instructed to inquire into the expediency of establishing a military branch of the State University.

Mr. Calhoun, from the committee on the judiciary, reported favorably on the House bill, "to amend the mechanics' lien law of Dallas and Coosa counties."

Mr. McIntyre moved to amend by inserting the word "Pike" after "Dallas ;" which was adopted.

The bill was read a third time and passed.

The caption was amended by inserting "Pike" after "Dallas."

Mr. Stone, from the same committee, reported favorably on the bill, "to impose a tax on itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama."

The bill was ordered to a third reading.

Mr. Fleming, from the committee on the military, reported favorably on the bill, "to furnish LaGrange Military Academy with arms, and for other purposes."

Mr. Calhoun moved to amend as follows :

Strike out "forty tents," and insert three officers' tents, and guard tent, and twenty-one company tents."

The amendment was adopted, and the bill read a third time and passed.

Mr. Rowe, from a select committee, reported a substitute for the bill "To repeal the 8th section of the 2d article of an act to render more efficient the system of free public schools in the State of Alabama, approved February 14, 1856, and for other purposes therein specified," with the following bill:

To amend the free public-school law of the State of Alabama, approved February 14, 1856.

The substitute was laid on the table, and 133 copies ordered to be printed for the use of the General Assembly.

By leave, Mr. Chilton introduced a bill to establish a city and county court for the city and county of Montgomery; which was read twice and referred to the committee on the judiciary.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the special orders; the first in order being:

The bill to increase the salaries of certain officers therein named.

On motion of Mr. Walker the bill was laid on the table.

On motion of Mr. Chilton, the further consideration of the special orders was suspended to take from the table

The bill to establish an institution for the deaf and dumb.

The bill was read by sections, each one was adopted, the bill read a third time and passed, and ordered forthwith to the House.

The next special orders being the bills:

To provide for an efficient military organization of the State of Alabama;

To repeal the laws in the State of Alabama securing to married women their separate estates;

Were both postponed until to-morrow, 11 o'clock, and made the special order for that hour.

Message from the House by Mr. Brewer:

House of Representatives, Jan. 19.

Mr. President: The House recedes from its amendment to the Senate bill "To amend the charter of the town of Demopolis, and to confer additional powers on the corporate authorities of said town.

The House has originated and passed bills of the following titles:

To amend the law relative to the unlawful detainer of lands;

For the relief of the next of kin of Joseph Ritter, deceased, late of Montgomery county;

To amend section 3254 of the Code of Alabama;  
 To authorize the judges of probate of the different counties  
 of this State to issue attachments in certain cases;  
 For the relief of George W. Nettles of Monroe county.

The House bill for the relief of the idiotic sons of Eli Watts,  
 of Marshall county, was read a first and second times.

Mr. Higgins moved to amend by striking out the words:  
 "and directed," after the word: "authorized;" which was  
 adopted, and the bill read a third time and passed.

Ordered forthwith to the House.

The House bills:

To incorporate the Greenville female college;

To repeal a portion of an act to incorporate the Midway  
 academy, in Barbour county;

Were read twice and referred to the committee on corpora-  
 tions.

The House bills:

For the relief of Foster M. Kirksey, executor of Robert B.  
 W. Kirksey;

To authorize the election and appointment of an additional  
 county surveyor for Calhoun county;

To authorize the probate court of Russell county to sanction  
 a division of the slaves of Toliyer Jones, deceased, as therein  
 shown;

Were severally read a first, second, and third times and  
 passed.

The House bills:

To repeal the law declaring Chattooga river a public high-  
 way;

To incorporate the Dayton female academy, in the town of  
 Dayton, Marengo county;

To amend the charter of the town of Dayton, in Marengo  
 county;

To amend the charter of the town of Talladega;

To authorize executors and administrators in certain cases to  
 invest the surplus moneys in their hands;

Amendatory of an act to locate the seat of justice in Jackson  
 county, approved December 17, 1859;

To incorporate the Pine Grove church, in Barbour county;

For the relief of George W. Nettles, of Monroe county;

To amend the law in relation to the unlawful detainer of  
 lands;

For the relief of the next of kin of Joseph Ritter, late of  
 Montgomery county;



To amend section 3254 of the Code of Alabama;

Were severally read and ordered to a second reading.

The House bill to amend an act approved February 8, 1858, to incorporate the male and female academy in Fayetteville, Talladega county, was read twice.

Mr. Hill moved to amend by inserting the name of "James Vessels" before that of "William H. Crawford;" which was adopted, and the bill read a third time and passed.

The House bill to legalize and confirm certain payments by the tax collectors to the tax assessors of Marion county, was read three times and passed.

The House bill to authorize the judges of probate of the different counties of this State to issue attachments in certain cases, was read twice and referred to the committee on the judiciary.

The message received from the Governor on yesterday, in regard to the claim of Judge Dargan and Col. P. Phillips, counsel for the State in the controversy with the State of Georgia, before the United States Supreme Court, was referred to the committee on the judiciary, with leave to report by bill or otherwise.

The bills:

To incorporate the Octavia W. LeVert Normal College for young ladies, at Dadeville, in the county of Tallapoosa;

To amend an act to establish jury trials in justices' courts, approved February 5, 1858;

To provide for the payment of witnesses where slaves are convicted of capital offences and pardoned;

To incorporate the Eureka mining and manufacturing company;

Were severally read a third time and passed.

The bill to provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution thereof, or the formation of a new constitution, was read a third time.

Mr. Calhoun moved to postpone the consideration of the bill until to-morrow at half past 10 o'clock, and make it the special order for that time.

Mr. Cocke moved to postpone until Monday 11 o'clock.

Mr. Mitchell moved to postpone until Tuesday 11 o'clock.

The question first being taken on Mr. Mitchell's motion, it was lost.

The question then recurred on Mr. Cocke's motion; which was lost.

Yeas 8, nays 11.

Yeas—Messrs. President, Cocke, Griffin, Higgins, Jones of Greene, Mitchell, Toulmin, Walker.

Nays—Messrs. Calhoun, Fleming, Heflin, Hill, McIntyre, Nelson, Rowe, Staton, Stone, Wood, Woodward.

Mr. Cocke moved to postpone until 12 o'clock to-morrow.

Mr. Fleming moved to postpone until half-past 12 o'clock to-morrow, which was carried.

The bill to pay witnesses and costs in certain cases, was read a third time and passed.

On motion of Mr. Cocke, the caption was amended by inserting "in Lowndes and Montgomery counties," after the word "costs."

The bill to compensate Doctors Amerine and Fannin, of the county of Pike, was read a third time.

Mr. McIntyre moved to amend as follows, by engrossed ryder, to be called:

SEC. 2. Be it further enacted, That the court of county commissioners of each county in the State be, and they are hereby authorized and required to levy a special tax, whenever it may be necessary, for the purpose of paying to physicians who have within the last three years, or who may hereafter attend upon patients within such county who may have been or may hereafter be afflicted with small-pox a reasonable compensation for their services aforesaid, and for all losses necessarily sustained by them in consequence of their attendance upon small-pox as aforesaid.

Mr. Hill moved to lay the bill and engrossed ryder on the table, which was lost.

Yeas 4, nays 17.

Yeas—Messrs. Hill, Jones of Greene, Stone, Wood.

Nays—Messrs. President, Austin, Calhoun, Cocke, Fleming, Griffin, Heflin, Higgins, Jackson, Jones of Fayette, McIntyre, Mitchell, Nelson, Rowe, Staton, Toulmin, Woodward.

The engrossed ryder was read a first, second and third times, and passed.

Yeas 15, nays 5.

Yeas—Messrs. President, Austin, Cleveland, Cocke, Fleming, Heflin, Higgins, Jackson, Jones of Fayette, McIntyre, Nelson, Rowe, Staton, Toulmin, Woodward.

Nays—Messrs. Hill, Jones of Greene, Mitchell, Stone, Wood.

The bill was read a third time and passed.

Yeas 13, nays 8.

Yeas—Messrs. President, Austin, Calhoun, Heflin, Higgins, Jackson, Jones of Fayette, Jones of Greene, Nelson, Rowe, Staton, Toulmin, Woodward.

Nays—Messrs. Cocke, Fleming, Griffin, Hill, McIntyre, Mitchell, Stone, Wood.

Mr. Cocke moved to amend the caption by substituting as follows :

To authorize the commissioners' courts in the several counties in this State to compensate physicians for attending to cases of small pox in certain cases, which was carried.

The House bills :

To incorporate the Eastern Shore and Mobile steam boat company ;

To incorporate the trustees of the Methodist church, South, at Montgomery ;

To locate permanently the seat of justice in Washington county ;

For the preservation of game in Sumter county ;

To amend section 1743 of the Code of Alabama ;

To regulate the trial of assaults, batteries and affrays ;

Were severally read a third time and passed.

The House bill for the relief of Samuel S. Harris, of the county of Autauga, was read the second and third times, and passed.

The bill to compensate E. M. Hastings, A. G. Hallmark, W. H. Benson and Jacob Myers, for services rendered the State of Alabama, was read a second time and ordered to a third reading.

The bill for the relief of the tax collector of Henry county, was read a second time and referred to the committee on finance and taxation.

The Senate then adjourned until tomorrow morning 10 o'clock.

FRIDAY, Jan. 20, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced :

Mr. Griffin : a bill to incorporate the Opelika insurance company, which was read twice and referred to the committee on corporations.

Also, a bill to incorporate the Columbus and Florence railroad company, which was read twice and referred to the committee on internal improvements.

Mr. Brewer : a bill to amend the charter of the Wetumpka insurance company, which was read three times and passed ;

Also, a bill to incorporate the Southern military academy, which was read twice and referred to the committee on the military.

Mr. Jemison : a bill to make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa therein named, which was read twice and referred to the committee on the judiciary.

Mr. Horn : a bill to establish a post office at the capitol for the use of the legislators and officers, which was read twice and referred to the committee on finance and taxation.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill to increase the salaries of the judges of the supreme court.

The bill was read a third time and passed.

Yeas 19, nays 10.

Yeas—Messrs. President, Bullock, Burnett, Calhoun, Chilton, Cocke, Higgins, Hill, Horn, Jackson, Jemison, Jones of Greene, McSpadden, Patton, Rowe, Toulmin, Waker, Wood, Woodward.

Nays—Messrs. Austin, Brewer, Fleming, Griffin, Heflin, Jones of Fayette, Mitchell, Nelson, Staton, Stone.

Ordered forthwith to the House.

Also, favorably on the bill to construe and extend the operations of sections 1991, and 1992 of the Code of Alabama.

The bill was read a third time and passed.

Also, favorably on the bill to increase the salaries of the chancellors of the middle and northern chancery divisions.

The bill was read a third time.

Mr. Higgins moved to amend by engrossed ryder as follows ;

Be it further enacted, That the provisions of this act shall also apply to the successor of the present incumbent of the Southern division, which was laid on the table.

Mr. Fleming moved to lay the bill on the table, which was lost.

Yeas 12, nays 18.

Yeas—Messrs. Brewer, Burnett, Cleveland, Fleming, Griffin, Heflin, Higgins, Hill, Jones of Fayette, Mitchell, Nelson, Staton.

Nays—Messrs. President, Bullock, Calhoun, Cocke, Horn, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Patton, Rowe, Stone, Toulmin, Walker, Wood, Woodward.

The bill was read a third time and passed.

Yeas 17, nays 14.

Yeas—Messrs. President, Bullock, Calhoun, Chilton, Cocke, Horn, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Patton, Rowe, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Brewer, Burnett, Cleveland, Fleming, Griffin,

Heflin, Higgins, Hill, Jones of Fayette, Mitchell, Nelson, Staton, Stone.

The bill was ordered forthwith to the House.

Alro, favorably on the House bill to amend an act therein named.

The bill was read a third time and passed.

The hour of 11 o'clock having arrived, the House proceeded to the consideration of the special order, by sections.

Mr. Calhoun moved to amend the first section by striking out Adjutant General and aid, and inserting "staff and aids of the Governor." Insert "of the" between the words "and" and "Brigadier General" in the third and fourth lines. Both of which were adopted.

Mr. Fleming moved to amend by striking out the first sentence in the 8th section, and insert as follows:

That the Major Generals shall be elected by the qualified voters of the division.

On motion of Mr. Cocke, the amendment was laid on the table.

Mr. Horn moved to amend the 9th section by striking out during his term of office, in 5th and 6th lines, and insert "every twelve months," which was lost.

Mr. Cocke moved to amend the 12th section by striking out 300, opposite Greene county, and insert "250;" and strike out 200 from Perry, and insert "250," which was lost.

Mr. McIntyre moved to amend by striking out 245 from Barbour, and insert "229," and to strike out 164 from Pike, and insert "180," which was lost.

Mr. Burnett moved to amend by striking out 200 from Lowndes, and insert "150," and strike out 100 from Butler and insert "150" which was lost.

Mr. Burnett moved to amend the 15th section by striking out the words "and jury," in 7th line.

On motion of Mr. Cocke, the amendment was laid on the table.

Mr. Chilton moved to amend the 3d line in said section by striking out "and" before "incorporated," and insert "are each hereby," which was adopted.

Pending the discussion of the said section,

The Senate adjourned until to-morrow morning 10 o'clock.

SATURDAY, Jan. 21, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Horn, leave of absence was granted Mr. Griffin.

Upon a call of the districts, the following bills were introduced:

Mr. Griffin: a bill to exempt the property of widows from taxation, which was read twice and referred to the committee on finance and taxation.

Mr. Brewer: a bill to amend and extend the charter of the East and West Alabama railroad company; also, that of Wetumpka and Montevallo railroad company, which was read twice and referred to the committee on internal improvements.

Also, the memorial of T. G. Russell, President of the board of trustees of the Central institute in Coosa county, which was referred to the committee on the military.

Mr. Staton: A bill to establish a board of botanic physicians in the county of Blount; which was read and ordered to a second reading.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill to regulate amendments in chancery. The bill was ordered to a third reading.

Also, adversely to the House bill to regulate the pay of witnesses in criminal cases.

The report was concurred in.

Also, favorably on the House bill to enlarge the provisions of section 1738 of the Code.

The bill was read a third time and passed.

The caption was amended so as to read, A bill to construe section 1738 of the Code.

Also, favorably on the bill to amend an act to compensate tales jurors.

The bill was read a third time and passed.

Also, adversely to the bill to enable executors and administrators to sell property at private sale, and for other purposes.

The report was concurred in.

Also, a substitute for the bill to amend section 1998 of the Code, with the following title:

For the more effectual protection of the estates of intemperate persons.

The substitute was adopted.

Mr. McSpadden moved to amend as follows:

Add after the word intemperate, in the seventh line in first section, the words, "or other cause."

The Senate refused to adopt the amendment.

Mr. Bullock moved to amend as follows:

Strike out 'person' where it occurs in the fifth line of the first section, and insert "man." Also strike out the words "or her" wherever they occur in said section.

The amendment was adopted and the bill ordered to a third reading.

Yeas 17, nays 9.

Yeas—Messrs. President, Austin, Calhoun, Cocke, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.

Nays—Messrs. Bullock, Cleveland, Felder, Fleming, Heflin, Higgins, Horn, McSpadden, Wood.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the special orders, the first being the bill

To provide for an efficient military organization of the State of Alabama.

On motion of Mr. Calhoun, the further consideration of the bill was postponed until Wednesday next, eleven o'clock, and made the special order for that hour.

The next in order being the bill

To repeal the laws in the State of Alabama securing to married women their separate estate; which

On motion of Mr. Jones, of Greene, was postponed until Monday, the 30th inst., and made the special order for the hour of eleven o'clock of that day.

Mr. Bullock, from the committee on the judiciary, reported adversely to the bill to regulate the fees of registers in chancery.

The report was concurred in.

Also, favorably to the bill, to obviate captious objections, and to secure speedy trials in certain cases.

The bill was ordered to a third reading.

Also a substitute for the bills

For the relief of Johnson J. Hooper and Herbert C. Childress;

For the relief of R. Carter Randolph, Lyddleton Smith, and Randolph Spedden; with the following title:

For the relief of certain persons therein named.

The substitute was adopted and the bill ordered to a third reading.

Mr. Patton, from the committee on banks and banking, reported favorably on the House bill to incorporate the Eutaw Insurance Company, in Greene county.

The bill was ordered to a third reading.

Also, favorably, with the following amendments, to the bill to protect and regulate the currency of Alabama:

Fill the blank in the fourth line of the first section with "first

day of July, 1860." Fill the blank in the eighth line of the third section with "one per cent."

The amendments were adopted.

Mr. Jemison moved to amend by striking out the words "on each one hundred dollars," in the 9th line, and insert the words "on the amount so."

The amendments were adopted.

Mr. Wood moved to amend as follows:

Strike out all after the enacting clause and insert, That all private banks, insurance companies, agents, corporations, or individuals, doing a commission business in this State, be required to render on oath the amount of bills of the banks of other States paid out by them in such year, to the tax assessor in the county in which they reside, and that a tax of one dollar be levied on every hundred dollars so paid out.

Mr. Bullock moved to postpone the further consideration of the bill and amendments until Friday next, and make it the special order for the hour of eleven o'clock on that day, which was lost.

Mr. Bullock moved to adjourn until ten o'clock on Monday, which was lost.

Mr. Jones, of Greene, moved to postpone the further consideration of the bill and amendments until Monday next, and make them the special order for the hour of eleven o'clock, which was carried.

Message from the House by Mr. Brewer.

House of Representatives, Jan. 21.

Mr. President: The House has passed the Senate bill with the following title:

Making appropriation to pay the expenses of illuminating the capitol on the 9th January, 1860.

The House refuses to concur in the amendment made by the Senate to the House bill for the relief of the idiotic sons of Eli Watts, of Marshall county.

The hour of half-past twelve o'clock having arrived, the Senate proceeded to the consideration of the special order for that hour, it being the bill

To provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution thereof, or the formation of a new constitution.

The bill was read a third time and passed.

Yeas 13, nays 10.

Yeas—Messrs. Bullock, Calhoun, Fleming, Heflin, Horn,



Jackson, Jemison, McSpadden, Nelson, Rowe, Walker, Wood, and Woodward.

Nays—Messrs. President, Austin, Cocke, Hill, Jones of Fayette, Jones of Greene, Patton, Staton, Stone, and Toulmin.

Ordered forthwith to the House.

The Senate then adjourned until Monday morning 10 o'clock.

MONDAY, Jan. 23, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Toulmin: Memorial of the students of the Medical College at Mobile, asking an appropriation of fifty thousand dollars to said college; which was referred to the committee on education.

Mr. McIntyre: A bill to divide Valley Beat, in Pike county, into two beats; which was read twice and referred to the committee on county boundaries.

Mr. Burnett: A bill to amend an act entitled an act to amend section 2471 of the Code.

Mr. McSpadden: A bill to dispose of the free persons of color in the State of Alabama.

Which were severally read twice and referred to the committee on the judiciary.

Mr. Nelson: Petition of sundry citizens of Shelby county in regard to the retail of spirituous liquors within three miles of the iron manufacturing company of said county; which was referred to the committee on corporations.

Mr. Jemison: A bill to render available the the two-fifths of stock reserved for the State of Alabama in the several banking institutions chartered by this State; which was read twice and referred to the committee on finance and taxation.

Mr. Patton, from the committee on banks and banking, reported adversely to the bill to provide a more uniform currency of the banks of the State, by requiring a redemption at par of their bills in the city of Mobile.

On motion of Mr. Stone, the bill and report were laid on the table.

Also, favorably on the bill to regulate the agencies of insurance companies not incorporated by the State of Alabama, with the following amendments:

After section 11 insert, Section 12. That this act shall also apply to life, and life and trust insurance companies not incorporated by the laws of this State, whether said companies are or are not organized upon the mutual plan.

SEC. 13. *Be it further enacted,* That the provisions of this act shall apply in all cases where the risk is taken, or any insurance business is transacted, in this State by the agent or agents of any of the insurance companies mentioned in this act, whether the policies are signed by the officers of said companies in or out of this State. Make section 12 in the bill section 14.

The amendments were adopted and the bill ordered to a third reading.

On motion of Mr. Bullock, the vote refusing to order to a third reading the bill to regulate the fees of registers in chancery, was reconsidered.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the special orders, the first in order being the bill

To regulate the entry of decrees by judges of probate in insolvent estates.

On motion of Mr. McSpadden, the bill and report were laid on the table.

On motion of Mr. Patton, leave of absence was granted to Mr. Heflin.

Mr. Toulmin, from the committee on propositions and grievances, to whom was referred the petition of several citizens of Perry county, reported the following bill and recommended its passage:

A bill to require the commissioners' courts of the several counties of this State to furnish blanks to tax assessors; which was read and ordered to a second reading;

Also, unfavorable to the petition of Wm. C. Hood and Nancy B. Hood, his wife, and others, of the county of Coosa.

The report was concurred in.

Message from the House, by Mr. Brewer.

“House of Representatives, Jan. 23.

Mr. President: The House has originated and passed bills of the following titles:

To incorporate the Bank of Alabama, and for other purposes.

To regulate the pay of commissioners for the county of Dale.

To prohibit the sale of intoxicating liquors within certain limits in Limestone county.

To amend the act to incorporate the Catholic Charitable Society of Mobile, approved February 5, 1840.

To incorporate the Samaritan Society of Mobile.

To prevent the sale of spirituous liquors in one mile of Judson Academy, in Henry county.

To revive and amend the act incorporating the Selma fire company.

To incorporate the Alabama Presbytery of the Cumberland Presbyterian church.

To authorize the State Treasurer to purchase a fire-proof safe.

To authorize the administrator of John C. Bates, deceased, late of Cherokee county, to sell slaves and invest the proceeds in lands.

To amend the charter of the Marion and Cahaba railroad company."

Also, favorably on the bill for the relief of Lewis Dolive, tax assessor of Baldwin county.

The bill was ordered to a third reading.

Mr. Woodward, from the committee on sixteenth sections, reported favorably on the bill, "for the relief of William A. Bishop, of Tuscaloosa county:

The bill was read a third time and passed.

Mr. Woodward, from the same committee, to whom was referred the petition of John Jeter, praying the passage of an act authorizing the Governor to issue a patent to him for a certain lot of land therein named, reported the following bill and recommended its passage:

A bill for the relief of John Jeter, of Montgomery county.

The bill was read and ordered to a second reading.

Mr. Stone, from the committee on education, reported favorably with the following amendments on the bill:

"To incorporate a Medical College at Mobile." In section 7, strike out "two indigent students from each Congressional district in the State, be received in said medical college, upon the recommendation and certificate of a majority of the trustees of the University of Alabama and the Governor of the State," and insert in lieu thereof, "one indigent student from each Senatorial district in the State, shall be received in said medical college, upon the recommendation and certificate of the Senator from said district."

Mr. Calhoun moved to amend the amendment as follows:

Strike out "Senatorial district" and insert "county;" strike out "the Senator from said district," and insert "the judges of probate and commissioners' courts, stating that such student is of good character, and without the means of procuring such medical instruction."

Which was adopted.

The amendment as amended was adopted, and the bill read a third time and passed.

Yeas 13, nays 11.

Yeas—Messrs. Bullock, Burnett, Calhoun, Cleveland, Horn, Jemison, Jones of Fayette, Jones of Greene, Nelson, Patton, Stone, Toulmin, Walker.

Nays—Messrs. President, Austin, Brewer, Cocke, Fleming, Griffin, Hill, Jackson, McSpadden, Rowe, Wood.

The bill was ordered forthwith to the House.

Mr. Rowe, from the committee on accounts and claims, reported favorably on the House bill, to pay the account of White, Pfister & Co ;

Also, on the bill for the relief of the register of the chancery court of Sumter county.

Which were read a third time and passed.

Mr. Jones, of Fayette, from the committee on county boundaries, reported favorably on the bill: defining the boundaries of a new election precinct in the county of Randolph, and for other purposes."

The bill was ordered to a third reading.

The House bill:

To incorporate the Eutaw Insurance company, in Greene county ;

And the Senate bills:

To impose a tax upon itinerant book and periodical agents, and to increase the tax on peddlers in Alabama.

To compensate E. M. Hastings, A. G. Hallmark, William H. Benson, and Jacob Myers, for services rendered the State of Alabama.

For the more effectual protection of the estates of intemperate persons.

To regulate amendments in chancery.

For the relief of certain persons therein named.

To obviate captious objections and to secure speedy trials in certain cases.

Were severally read the third time and passed.

The House bill:

Amendatory of an act to locate the seat of justice in Jackson county, approved December 17, 1859, was read a second time and ordered to a third reading.

The House bills:

To incorporate the Pine Grove church, in Barbour county.

To amend the charter of the town of Dayton, in Marengo county.

Were severally read a second time and referred to the committee on corporations.

The House bills:

For the relief of George W. Nettles, of Monroe county.

To amend the law in relation to the unlawful detainer of lands.

For the relief of the next of kin of Joseph Ritter, deceased, late of Montgomery county.

To amend section 3254 of the Code of Alabama.

To authorize executors and administrators in certain cases to invest the surplus money in their hands.

Were severally read a second time and referred to the committee on the judiciary.

The House bills:

To amend the charter of the town of Talladega;

To repeal the law declaring Chattooga river a public highway;

Were severally read the third time and passed.

Messrs. Mitchell, Griffin and Cleveland, asked leave to record their votes on the passage of the "bill providing for the calling of a convention of the people of Alabama, for the purpose of amending the constitution thereof, or the formation of a new constitution," which was granted. Whereupon all voted *nay*.

Messrs. Chilton and McIntyre asked the same leave, which was granted, when those Senators voted *yea*.

The joint resolutions to provide for the holding of a convention of the people of Alabama to take such steps as it may deem necessary, to effect a speedy and final adjustment of all matters of sectional controversy between the North and the South, were read a second time and referred to the joint committee of the two Houses, to whom was referred the resolutions of the State of South Carolina on the subject of federal relations.

The bill to establish a board of Botanic Physicians in the county of Blount, was read a second and third times and passed.

The Senate receded from its amendment made to the House bill, "for the relief of the idiotic sons of Eli Waters, of Marshall county.

The House bills:

To incorporate the Bank of Alabama, and for other purposes;

To amend the charter of the Marion and Cahaba railroad company;

Were read twice and referred to the committee on internal improvements.

The House bills to prevent the sale of spirituous liquors in one mile of Judson Academy, in Henry county;

To incorporate the Samaritan Society of Mobile ;

To amend an act to incorporate the Catholic Female Charitable Society of Mobile, approved February 5, 1840 ;

To regulate the pay of commissioners for the county of Dale ;

Were severally read and ordered to a second reading.

The House bills :

To prohibit the sale of intoxicating liquors within certain limits in Limestone county ;

To authorize the administrator of John C. Bates, deceased, late of Cherokee county, to sell slaves and invest the proceeds in lands ;

Were read twice and referred to the committee on the judiciary.

The House bills :

To revive and amend the act incorporating the Selma Fire company ;

To incorporate the Alabama Presbytery of the Cumberland Presbyterian Church ;

Were read twice and referred to the committee on corporations.

The House bill :

To authorize the State Treasurer to purchase a fire-proof safe, was read three times forthwith and passed.

Message from the Governor by his Private Secretary, Mr. Phelan :

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles :

To amend the charter of the town of Gainesville ;

To authorize the city council of Eufaula to indemnify subscribers to certain stock in the South-Western railroad, of the State of Georgia, and to purchase the right of way for the extension of said road to the depot in said city ;

Making appropriation to pay the expenses of illuminating the capitol on the 9th January, 1860.

On motion of Mr. Bullock, the bill to regulate the fees of registers in chancery, was re-committed to the committee on the judiciary.

By leave, Mr. Bullock, from the committee on the judiciary, reported favorably to the "bill for the relief of the creditors and distributees of the estate of Green W. Cole, deceased.

The bill was read a third time and passed.

On motion of Mr. Toulmin,

*Resolved*, That the committee on finance and taxation be instructed to inquire into the expediency of so amending the law in relation to tax on sales at auction, as to make the tax on such auction sales nearer equal to the tax on goods and merchandise sold at private sale; and that said committee have leave to report by bill or otherwise.

Mr. Brewer asked leave to introduce the account of Thomas H. Ferguson; which was granted.

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 24, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Chilton: a bill amending the law authorizing suits to be brought by or against married women.

Also, a bill for the relief of the legatees of Marcus A. Flournoy, deceased.

Mr. Cocke: a bill to allow creditors without liens to file bills for the collection of debts, in a certain case.

Also, a bill to collect and pay over costs in certain cases.

Which were severally read twice and referred to the committee on the judiciary.

On motion of Mr. McSpadden,

*Resolved*, That the judiciary committee inquire into the propriety of amending the statutes of the State in reference to private roads and mills; and that they report by bill or otherwise.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill "To amend section 3256 of the Code."

The bill was ordered to a third reading.

Also, favorably to the bill "To amend the law as respects the lien of executions."

The bill was read a third time and passed.

Also, favorably to the House bill "To authorize the judges of probate of the different counties in this State to issue attachments in certain cases."

The bill was ordered to a third reading.

Mr. Bullock, from the same committee, to whom was referred the communication of His Excellency, the Governor, in relation to the fees due P. Phillips, and E. S. Dargan, Esqs., for services rendered the State in the litigation between Georgia and Alabama, in respect to the boundary line between said States, reported the following bill, and recommended its passage:

A bill to compensate the solicitors for the State of Alabama

in the litigation between Georgia and Alabama, in respect to the boundary line between said States.

Which was read three several times forthwith and passed.

Also, adversely to the House bill "To prevent frivolous or malicious prosecutions."

The report was concurred in.

Also, favorably to the bill "To place the widows of deceased persons upon an equality with other distributees of their estate."

The bill was read a third time and passed.

Mr. Rowe, from the committee on accounts and claims, to whom was referred the account of C. F. Lewis, sheriff of Macon county, reported the following bill, and recommended its passage:

A bill to compensate C. F. Lewis, sheriff of Macon county, for services rendered the State.

Mr. Calhoun moved to refer the bill to the committee on the judiciary; which was lost.

Mr. Burnett moved to amend as follows:

Insert after the words "Macon county," the words "and G. W. Thaggard, sheriff of Butler county, a like sum of two hundred dollars."

Mr. Cocke moved to lay the amendment on the table; which was lost.

Mr. Jemison moved the previous question, which was sustained.

The question then being on ordering the bill to a third reading, the Senate refused to order the bill to a third reading.

Yeas 14; nays 15.

Yeas—Messrs. Austin, Brewer, Bullock, Chilton, Cleveland, Cocke, Horn, Jemison, Jones of Greene, Nelson, Rowe, Staton, Stone, Toulmin.

Nays—Messrs. President, Burnett, Calhoun, Felder, Fleming, Griffin, Hill, Jackson, Jones of Fayette, McSpadden, Mitchell, Patton, Walker, Wood, Woodward.

Mr. Jemison, from the committee on finance and taxation, reported adversely to the bill to establish a post office at the capitol for the use of the legislators and officers.

The report was concurred in.

Also, adversely to the bill regulating auction licenses in Taladega county.

Report concurred in.

Also, adversely to the bill to regulate the tax on railroad companies.

Report concurred in.

Also, favorably to the bill to construe and extend the opera-



tion of the revenue laws in Alabama in certain cases therein named.

The bill was read a third time and passed.

Also, adversely to the bill to repeal the tax on revolving pistols.

On motion of Mr. Bullock, the report was laid on the table.

Mr. Bullock moved to amend the bill as follows:

Provided, the provisions of this act shall not be so construed as to interfere with the law against carrying concealed weapons.

Mr. Bullock moved the previous question, which was sustained.

Yeas 15, Nays 13.

Yeas—Messrs. President, Brewer, Burnett, Cleveland, Cocke, Felder, Fleming, Horn, Jones of Greene, McIntyre, Mitchell, Nelson, Staton, Stone.

Nays—Messrs. Austin, Calhoun, Chilton, Griffin, Hill, Jackson, Jemison, McSpadden, Patton, Rowe, Walker, Wood, Woodward.

Mr. Burnett moved to reconsider the vote by which the previous question was sustained, which was lost.

The question then being on ordering the bill to a third reading, the Senate refused to so order.

Yeas 14, nays 16.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Chilton, Cleveland, Cocke, Felder, Fleming, Jones of Greene, McIntyre, Mitchell, Nelson, Stone.

Nays—Messrs. Austin, Calhoun, Griffin, Hill, Horn, Jackson, Jemison, Jones of Fayette, McSpadden, Patton, Rowe, Staton, Toulmin, Walker, Wood, Woodward.

Mr. Jemison, from the same committee, reported adversely to the bill to compensate persons for taking up runaway slaves.

The report was concurred in.

Also, favorably to the House bill for the relief of Daniel G. Mays, tax collector of Greene county.

The bill was ordered to a third reading.

Also, favorably to the House bill for the relief of Reece Price, late of Marengo county.

The report was laid on the table, and the bill recommitted to the same committee.

By leave, Mr. Fleming introduced

A bill to compensate physicians for post mortem examinations, which was read twice and referred to the committee on finance and taxation.

Mr. Bullock: a bill to repeal the tax on revolving pistols, in

certain cases, which was read and ordered to a second reading.

On motion of Mr. Griffin,

The bill to make Mary A. J. Perry, of the county of Russell, a free dealer, and for other purposes, was taken from the table and referred to the committee on the judiciary.

On motion of Mr. Chilton, Mr. Jackson was added to the joint military committee of the two House.

The hour of 12 o'clock having arrived, the general orders were suspended for the purpose of considering the amendments made by the House to the bill.

To lay off and divide the State of Alabama into eleven judicial circuits.

Mr. Jemison moved to refer the bill and amendments to the committee on the judiciary; which was lost.

Yeas 8; nays 22.

Yeas—Messrs. President, Burnett, Cocke, Jemison, Jones of Fayette, Staton, Stone, Woodward.

Nays—Messrs. Austin, Brewer, Bullock, Calhoun, Chilton, Cleveland, Felder, Fleming, Griffin, Hill, Horn, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Wood.

The amendments of the House were concurred in.

Yeas 19; nays 11.

Yeas—Messrs. Brewer, Bullock, Calhoun, Chilton, Cleveland, Felder, Griffin, Horn, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Wood.

Nays—Messrs. President, Austin, Burnett, Cocke, Fleming, Hill, Jemison, Jones of Fayette, Staton, Stone, Woodward.

Message from the House by Mr. Brewer:

House of Representatives, Jan. 24.

Mr. President: The House has originated and passed bills of the following titles:

To incorporate the Indian creek male and female academy, in Pike county;

To give to the intendant of Orion, justice's jurisdiction, and for other purposes;

To incorporate sundry volunteer companies;

For the relief of the estate of Gray Little;

To appoint commissioners to examine and report the condition of the public offices in Marion county;

To incorporate the Bienville hotel company of Mobile;

To incorporate the Troy railroad company;

For the relief of Thomas M. Hill, and others, of Sumter county;

To repeal an act therein named;

To authorize justices of the peace to appoint apportioners of roads in Pickens county, and for other purposes;

Repealing section 496 of the Code, so far as the same relates to Winston county;

To allow Samuel Crosbie and J. J. Bailey, to erect fish traps on Big Bear creek, in the county of Franklin;

To make the clerk of the city court of Mobile, elected by the people;

To incorporate the Woodlawn female institute, in the county Macon;

To provide for the payment of detached halves of bank bills, issued by the bank of the State of Alabama and branches.

The House has passed the following Senate bills:

For the relief of Wm. J. Kennedy;

The better to secure the collection of certain taxes;

For the relief of Stanford Mims;

To furnish Lagrange military academy with arms, and for other purposes;

To incorporate the Octavia W. Lee Vert Normal college for young ladies, at Dadeville, in the county of Tallapoosa;

For the benefit of Jane Reed;

To incorporate the Eureka mining and manufacturing company.

The House has amended and passed the Senate bills:

To lay off and divide the State of Alabama into eleven judicial circuits;

To exempt certain property from levy and sale;

To create an additional term of the chancery court for the 26th chancery district of the northern division.

The House concurs in the Senate's amendments to the House bills.

To construe section 1738 of the Code;

To amend the mechanics' lien law of Dallas, Pike, and Coosa counties;

To amend section 1473 of the Code of Alabama;

The House refuses to concur in the Senate's amendment to the House bill.

To reorganize and fix the times of holding the courts of chancery, in the middle chancery division.

The Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Jan. 25, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced :

Mr. Horn : a bill to incorporate the Haw Ridge academy, which was read three times forthwith and passed.

Mr. Wood : a bill to tax foreign lottery companies ;

Also, a bill to amend section 397 of the Code.

Mr. Jemison : a bill to make an appropriation to supply the Insane Hospital with furniture, and to prepare it for the reception and treatment of patients ;

All of which were severally read twice and referred to the committee on finance and taxation.

Mr. Cocke : a bill to promote mechanical and scientific arts, in the State of Alabama.

Mr. Hill : joint resolutions to prepare an amended and revised constitution for the State of Alabama.

Mr. Fleming : a bill to better regulate the conveyance of persons to the penitentiary.

Mr. President : a bill to authorize register's in chancery to appoint trustees in certain cases therein named.

All of which were severally read twice and referred to the committee on the judiciary.

Mr. Bullock, from the committee on the judiciary, to whom was referred the bill to change the line between the counties of Shelby and St. Clair, and for other purposes, made the following report :

The 16th section of the 6th article of the constitution provides "that no new county shall be established by the General Assembly which shall reduce the county or counties, or either of them, from which it shall be taken to a less content than nine hundred square miles, nor shall any county be laid off of less contents."

Some of the counties laid off before the adoption of the constitution contained less than nine hundred square miles, and while the restriction could not of course apply to them, it was evidently the intention of the framers of the constitution to preserve as far as possible this standard, and to prohibit all legislation calculated to interfere with it.

To reduce the size of a county organized before the adoption of the constitution, and containing nine hundred square miles, to a point below that standard, would be clearly beyond the power of the General Assembly ; and in the opinion of your committee, any legislation diminishing the size of such county,

even although it had never contained as many as nine hundred square miles, would be also violative of the spirit, if not the letter, of the constitution.

The county of St. Clair, represented in the convention that framed the constitution, and, containing at that time less than nine hundred square miles, would by the bill under consideration, be still further reduced below the constitutional minimum; and applying the foregoing principles to the facts, as your committee understand them to be conceded, they are clearly of opinion that the proposed measure is beyond the constitutional power of the General Assembly.

The report was concurred in.

Mr. Bullock, from the same committee, reported adversely to the bill to change the criminal practice as to slaves and free persons of color.

The report was concurred in.

On motion of Mr. Calhoun, the vote by which the Senate refused to order to a third reading the bill to compensate C. F. Lewis, Sheriff of Macon county, for services rendered, was reconsidered.

On motion, of Mr. Chilton, the vote by which the previous question on the same bill was sustained, was also reconsidered.

Whereupon the bill was re-committed to the committee on the judiciary.

Message from the House by Mr. Brewer.

House of Representatives, Jan. 25.

Mr. President: The House has amended and passed Senate bills of the following titles:

More effectually to prevent the crime of incest;

To prevent the game called keno, and other games;

For the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 496 of the Code.

Also, without amendment, a Senate bill

To amend section 1255 of the Code of Alabama;

And also the act amendatory thereof, approved February 20, 1854.

The House has originated and passed the following bills:

For the relief of Herbert C. Childress and others;

To change the place of holding the chancery court in the county of Coosa.

The House has amended and passed the Senate bill

To establish an institution for the deaf and dumb.

Message from the Governor by Mr. Phelan, his Private Secretary.

Mr. President his Excellency, the Governor, has approved the bill which originated in the Senate.

To lay off and divide the State of Alabama into eleven judicial circuits.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the special order, it being the bill

To provide for an efficient military organization for the State of Alabama:

Mr. Chilton moved to amend the first line of the sixteenth section by inserting "annually" between the words "shall" and "collect."

Mr. Chilton moved to fill the blank in the third with "25 cents and 5 per cent. on his State tax."

Mr. Burnett moved to amend by striking out all of Mr. Chilton's amendment and insert "fifty cents," which was lost.

Mr. Chilton's amendment was adopted.

On motion of Mr. Cleveland, the consideration of the military bill was suspended to introduce the following resolution:

*Resolved*, That [the House concurring] the two Houses of the General Assembly will meet in the hall of the House of Representatives, on Thursday, the 26th inst., at eleven o'clock A. M., to elect solicitors for the fourth, first, third, sixth, eighth, tenth, and eleventh judicial-circuits of the State of Alabama.

Mr. Rowe offered a resolution as a substitute to the same effect, except that the circuits were named in their regular numerical order.

On motion of Mr. President, Mr. Rowe's resolution was laid on the table.

Whereupon Mr. Cleveland's resolution was adopted.

Ordered, That the House be forthwith notified of the action of the Senate.

The Senate resumed the consideration of the military bill.

Mr. Chilton moved to amend sixth line, sixteenth section, by inserting "during the preceeding twelve months" between the words "State" and "and," which was adopted.

Also, 6th line, by striking out "making" and inserting "enabling."

Which was adopted.

Also, amend section 17, second line, by inserting after "tax,"

"all such as are liable to do military duty, but insolvent,"

Which was adopted.

Also, fifth line, after "companies" insert "filed with him."

Mr. Fleming moved to amend section 19, by striking out "ten" in the 4th line and insert "seven."

Which was adopted.

Mr. Chilton moved to amend as follows:

"SEC. 23. *Be it further enacted*, That the Governor and staff, the Major-General and staff, the Brigadier-General and staff, and the Colonel and staff, shall be entitled to remuneration for the amount of their actual and necessary traveling expenses, incurred in the performance of their duty; to be evidenced by proper vouchers: provided, the same shall not exceed \$1,000 to the Governor and staff, \$500 to each Major-General and staff, \$500 to each Brigadier-General and staff, \$500, to each Colonel and staff."

Also, make section 28 section 24, and amend it by striking out "of" in last line and insert instead, "unless ratified by."

Also, amend by another section, 25, as follows:

"For the purpose of immediately carrying into operation the provisions of this act, the Governor, by and with the advice and consent of the Senate, shall appoint a Brigadier-General for each brigade; but hereafter all vacancies shall be filled by the commissioned officers of the respective brigades, as herein provided, under such rules and regulations as may be prescribed by the military commission."

Make section 24 in the bill, section 26, and fill the blank in said section with "two hundred thousand dollars."

All of which amendments were adopted.

Mr. McSpadden moved to adjourn until to-morrow morning 10 o'clock.

Which was lost.

The bill was ordered to a third reading.

Yeas 14, nays 13.

Yeas—Messrs. Brewer, Bullock, Calhoun, Chilton, Cocke, Griffin, Hill, Horn, McIntyre, Nelson, Patton, Stone, Toulmin, and Woodward.

Nays—Messrs. President, Austin, Burnett, Higgins, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Rowe, Staton, Walker, and Wood.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the bills;

To lay off and divide the State of Alabama into eleven judicial circuits.

To furnish LaGrange Military Academy with arms, and for other purposes.

To incorporate the Octavia W. Le Vert Normal College for young ladies, at Dadeville, in the county of Tallapoosa.

To incorporate the Eureka Mining and Manufacturing company.

For the benefit of Jane L. Reed.

The better to secure the collection of certain taxes.

For the relief of Stamford Mims.

For the relief of W. J. Kennedy.

Message from the House by Mr. Brewer :

House of Representatives, Jan. 25.

Mr. President: The House has amended as follows the resolution of the Senate proposing that the two Houses proceed to-morrow, at 11 o'clock, A. M., to the election of solicitors of several circuits in this State:

"Strike out 6th circuit, and insert that the election for the 6th circuit shall take place on Saturday next, at 12 o'clock."

The Senate concurred in the amendment of the House, and the House was immediately notified of the action of the Senate.

On motion of Mr. Brewer, the House bill to change the place of holding the chancery court of the county of Coosa, was taken from the message from the House, and read twice.

Mr. Jones, of Greene, moved to refer the bill to the committee on the judiciary.

Which was lost.

The bill was read a third time and passed.

The Senate concurred in the amendment made by the House to the bill to create an additional term of the chancery court for the 26th district of the northern division.

By leave, Mr. Chilton, from the committee on the judiciary, reported favorably on the bill "to amend the attachment laws."

Mr. Griffin moved to re-consider the vote ordering to a third reading the bill.

To provide for an efficient military organization for the State of Alabama.

On motion of Mr. President, Mr. Griffin's motion was postponed until to-morrow 11 o'clock.

The Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, January 26, 1860.

The Senate met pursuant to adjournment.



Upon a call of the districts, the following bills were introduced.

Mr. Bullock: A bill to exempt from State license exhibitors of shows and retailers of liquors within the fair grounds of the State Agricultural Society, during the continuance of any annual fair; which was read a first and second times.

Mr. Calhoun moved to refer the bill to the committee on agriculture.

Which was lost.

Mr. Cocke moved to refer the bill to the committee on finance and taxation.

Which was lost.

The bill was ordered to a third reading.

Also, a bill to compensate the judges of the circuit courts.

Mr. Nelson: A bill to make Sarah B. Wood, of the county of Shelby, a free dealer.

Mr. Jemison: A bill to amend an act to be entitled "an act to fix a mode of conveying the estate of husband and wife, and for other purposes," approved February 8, 1858.

All of which were severally read twice and referred to the committee on the judiciary.

Mr. Chilton: A bill to incorporate the Alabama Insurance and Exchange company at Tuskegee.

Mr. Nelson: Petition of citizens of Shelby county.

Which were referred to the committee on corporations.

Mr. Chilton: A bill to establish a State armory and arsenal; which was read and ordered to a second reading.

Mr. Cocke: A bill to limit the application of section 3600 of the Code; which was read and ordered to a second reading.

Mr. Burnett: A bill to compel the Alabama and Florida railroad company to drain the ponds along the line of said road; which was read three times forthwith and passed.

Mr. Brewer: A bill to incorporate the Coosa Cavalry; which was read twice and referred to the committee on the military.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the bills;

To establish an institution for the deaf and dumb.

To create an additional term of the chancery court for the 26th chancery district of the northern division.

Mr. Nelson: a bill to fix the boundary line between the counties of Shelby and St. Clair;

Which was read three times and passed.

Mr. Nelson: A bill to authorize the State Superintendent to pass certain moneys to the credit of section 16, township 19, of range 2, east, in the Tuscaloosa land district;

Which was read twice and referred to the committee on 16th sections.

Mr. Patton, from the committee on banks and banking, reported favorably on the bill for the relief of the heirs at law of William Hawn, deceased, late of Tuscaloosa county.

The bill was read a third time and passed.

Yeas 24, nays 5.

Yeas—Messrs. President, Bullock Austin, Calhoun, Chilton, Cleveland, Cocke, Fleming, Hill, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Burnett, Bynum, Higgins, Wood.

Message from the House by Mr. Brewer:

House of Representatives, Jan, 26.

Mr. President: The House has passed the Senate bill . . .

To increase the salaries of the judges of the supreme court.

The House has originated and passed the following bills:

To amend an act entitled An act to authorize the sale of personal property for distribution, approved Feb. 16, 1854; and to amend section 1678 of the Code;

To repeal sections 1991 and 1992 of the Code, and for other purposes;

To amend the law in regard to security for costs in certain cases;

To amend section 3133 of the Code;

To amend section 775 of the Code;

To amend section 2235 of the Code;

To provide for the holding of coroners' inquests by justices of the peace in certain cases;

To protect females from insult and injury at public assemblages;

To amend section 1413 of the Code, and to allow the defendants in certain cases to prove offsets;

To change the law relative to the opening of depositions;

To amend section 2005 of the Code;

To authorize the removal of the administration of the estate of Alexander M. Creagh, deceased, from the county of Wilcox to the county of Mobile;

To enable Ned Adkins, a free man of color to become a slave;

To amend the criminal laws of this State;

To regulate the taking of affidavits in aid of judicial proceedings.

By leave, Mr. McIntyre presented the petition of Needham Adams for pay for keeping escaped prisoners; which was referred to the committee on accounts and claims.

Also, the petition of sundry citizens for the incorporation of Willington Academy, in Pike county; which was referred to the committee on corporations.

Mr. Toulmin, from the committee on propositions and grievances, to whom was referred the petition of Robert Curtis for pay for a slave that died in jail, reported the following bill, and recommended its passage:

A bill for the relief of Robert Curtis, of Choctaw county.

Mr. Fleming, from the committee on the military, reported adversely to the bill to provide a military fund for the State of Alabama.

The bill and report were laid on the table.

The hour of 11 o'clock having arrived, the Senate was invited into the hall of the House of Representatives for the purpose of electing solicitors for the 4th, 1st, 3d, 5th, 8th, 10th, and 11th judicial circuits.

The Senate repaired to the hall of the House, and the two Houses in joint convention proceeded to the election of a solicitor for the

#### FOURTH JUDICIAL CIRCUIT.

Mr. S. A. M. Wood, of the county of Lauderdale, alone being in nomination, and having received 122 votes, the whole number cast,

Mr. Speaker declared him duly elected solicitor for the fourth judicial circuit of the State of Alabama for the term prescribed by law.

The convention proceeded to the election of a solicitor for the

#### FIRST JUDICIAL CIRCUIT.

Y. L. Royston and George D. Johnston, of Perry county, and J. F. Connoley and Thomas H. Lewis, of Dallas county, being in nomination.

Those who voted for Mr. Royston are Messrs. Austin, Burnett, Cleveland, Cocke, Felder, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Patton, Staton, Stone, Toulmin, Wood, Woodward; of the Senate; and Messrs. Abney, Adams, Aldridge, Barlow, Bibb, Bradley, Carter, Cary, Clapp, Dark, Davidson, Davis, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Dale, Hearin of Clarke,

Herren of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Humphries, Knox, Lane, Latham, Lesueur, Martin, Musgrove, Oats, Overall, Parsons, Ramsey; Seay, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, Walden of Coosa, Walden of Morgan, White, Whitfield, Woods, of the House—64.

Those who voted for Mr. George D. Johnson are, Messrs. President, Brewer, Bullock, Bynum, Chilton, Jackson, Jones of Greene, Rowe, Staton, of the Senate; and Messrs. Bell, Bowen, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Chambers, Clayton, Clifton, Clitherall, Cowan, Cunningham, Fielder, Flake, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hightower, Holley of Covington, Huckabee, Hudgins, Jack, Lowe, McMurry, Neal, Scott, Sherrod, Tate of Macon, Thomas, Thornton, Walker, Warren, of the House.—44.

Those who voted for Mr. John F. Connelly are, Messrs. Calhoun and Nelson, of the Senate; and Messrs. Speaker, Bowdon, Coleman, Easley, Lloyd, Mabry, Meadows, of the House.—9.

Those who voted for Mr. Thomas H. Lewis are, Mr. Walker, of the Senate; and Messrs. Cooper, Forney, Hardwick, Irby, Rice, Slater, Wright, of the House.—8.

Mr. Royston having received a majority of all the votes cast, was declared by Mr. Speaker to have been duly and constitutionally elected solicitor for the term prescribed by law.

The two houses in joint convention proceeded to the election of a solicitor for the

### THIRD CIRCUIT.

R. W. Cobb, J. H. Martin, N. H. Brown, being in nomination.

Those who voted for Mr. Rufus W. Cobb are, Messrs. Austin, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Coeke, McIntyre, McSpadden, Nelson, Walker, Woodward, of the Senate; and Messrs. Aldridge, Barlow, Bell, Bowdon, Bradley, Burgess, Bush, Carter, Clifton, Cooper, Cowan, Davidson, Easley, Forney, Forsyth, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Irby, Latham, Lloyd, Mabry, Martin, Parsons, Rice, Scott, Seay, Seale, Shepard, Thornton, White, Whitfield, Wright, of the House.—47.

Those who voted for Mr. John H. Martin are, Messrs. President, Bynum, Jemison, Stone of the Senate; and Messrs. Abney, Bryan, Clapp, Clitherall, Davis, Fielder, Griffin of Mar-

shall, Hale, Herman, Hobbs, Jack, Lowe, Meadows, Ramsey, Sherrod, Slater, Whitfield, Woods, of the House.—22.

Those who voted for Mr. N. H. Brown are, Messrs. Fleming, Griffin, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, Mitchell, Patton, Rowe, Staton, Toulmin, Wood, of the Senate; and Messrs. Speaker, Adams, Bibb, Bowen, Brooks, Brown of Marion, Chambers, Clayton, Coleman, Cunningham, Dark, Ferrell, Flake, Fountain, Gilchrist, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Knox, Lane, Lesueur, McMurry, Musgrove, Neal, Oats, Overall, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, of the House.—54.

Neither of the candidates having received a majority of all the votes, the two Houses in convention proceeded to ballot the second time:

Those who voted for Mr. Cobb are, Messrs. Austin, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, McIntyre, McSpadden, Nelson, Walker, Woodward, of the Senate: and Messrs. Aldridge, Barlow, Bell, Bowden, Bradley, Burgess, Bush, Carter, Clifton, Cooper, Cowan, Cunningham, Davidson, Easley, Fielder, Forney, Forsyth, Gibson, Goldsmith, Hardwick, Irby, Latham, Lloyd, Mabry, Martin, Parsons, Rice, Scott, Seale, Shepard, Slater, Thornton, White, Wright, of the House.—47.

Those who voted for Mr. Martin are, Messrs. President, Jemison, of the Senate: and Messrs. Abney, Bryan, Clapp, Clitherall, Davis, Griffin of Marshall, Hale, Herman, Hobbs, Jack-Lowe, Meadows, Ramsey, Whitfield, Woods, of the House.—17,

Those who voted for Mr. Brown are, Messrs. Bynum, Fleming, Griffin, Hill, Horn, Jackson, Jones of Greene, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Wood, of the Senate: and Messrs. Speaker, Adams, Bibb, Bowen, Brooks, Brown of Marion, Chambers, Clayton, Coleman, Dark, Ferrell Flake, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Lane, Lesueur, McMurry, Musgrove, Neal, Oats, Overall, Seay, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren of the House.—57.

Neither of the candidates having received a majority of all the votes given, the two houses proceeded to the third ballot.

Those who voted for Mr. Cobb are, Messrs. Austin, Brewer,

Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, McIntyre, McSpadden, Nelson, Patton, Walker, Woodward of the Senate: and Messrs. Abney, Aldridge, Barlow, Bell, Bowden, Bradley, Burgess, Bush, Carter, Clifton, Cooper, Cowan, Cunningham, Davidson, Easley, Forney, Forsyth, Gibson, Goldsmith, Griffin of Jackson, Hardwick, Irby, Latham, Loyd, Mabry, Martin, Parsons, Rice, Scott, Seale, Shepard, Slater, Thornton, White, Wright, of the House.—49.

Those who voted for Mr. Martin are, Mr. Jemison of the Senate: and Messrs. Clapp, Clitherall, Hobbs, Jack, Whitfield, Woods, of the House.—7.

Those who voted for Mr. Brown are, Messrs. President, Bynum, Fleming, Griffin, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, Mitchell, Rowe, Staton, Stone, Toulmin, Wood, of the Senate: and Messrs. Speaker, Adams, Bibb, Bowen, Brooks, Brown of Marion, Bryan, Chambers, Clayton, Coleman, Dark, Davis, Ferrell, Flake, Fountain, Gilchrist, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Knox, Lane, Lesueur, Lowe, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Walden of Coosa, Walden of Morgan, Walker, Warren, of the House.—66.

Mr. Brown having received a majority of all the votes given, was declared duly and constitutionally elected by the speaker, solicitor of the third judicial circuit.

The joint convention then proceeded to the election of a solicitor for the

#### FIFTH JUDICIAL CIRCUIT:

S. K. McSpadden, H. C. Bradford and W. J. Harralson being in nomination.

Those who voted for Mr. S. K. McSpadden are, Messrs. President, Brewer, Bullock, Burnett, Calhoun, Cleveland, Griffin, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood of the Senate: and Messrs. Abney, Bradley, Brown of Tuscaloosa, Bush, Clifton, Clitherall, Cooper, Flake, Forney, Forsyth, Hardwick, Hearin of Clarke, Hobbs, Lane, Meadows, Parsons, Rice, Shepard, Taylor, Thornton, Walden of Coosa, Walker, Warren, Whitfield, of the House.—43.

Those who voted for Mr. H. C. Bradford are, Messrs. Chilton, Fleming, Jackson, Patton, Stone, of the Senate: and Messrs.

Bell, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Gilchrist, Goldsmith, Griffin of Jackson, Herren of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Neal, Oats, Overall, Ramsey, Scott, Sherrod, Walden of Morgan, of the House.—30.

Those who voted for Mr. W. J. Harralson are, Messrs. Higgins, Jemison, Woodward, of the Senate; and Messrs. Speaker, Adams, Aldridge, Barlow, Bibb, Bowen, Bowden, Brown of Marion, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Davidson, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Knox, Lesueur, Lloyd, Mabry, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thomas, White, Wright, Woods, of the House.—50.

Neither of the candidates having received a majority of all the votes given, the two houses in convention proceeded to ballot the second time:

Those who voted for Mr. McSpadden are, Messrs. President, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, Griffin, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood of the Senate: and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Forsyth, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the House.—44.

Those who voted for Mr. Bradford are, Messrs. Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Gilchrist, Goldsmith, Griffin of Jackson, Herren of Tallapoosa, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Oats, Overall, Ramsey, Scott, Sherrod, Tait of Macon, Walden of Morgan, of the House.—30.

Those who voted for Mr. Harralson are, Messrs. Higgins, Jemison, Woodward, of the Senate: And Messrs. Speaker, Aldridge, Bibb, Bowen, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Flake, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Lloyd, Mabry, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, Warren, White, Wright, Woods, of the House.—49.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the third time:

Those who voted for Mr. McSpadden are, Messrs. President, Bullock, Chilton, Cleveland, Cocke, Griffin, Hill, Horn, Jones of Fayette, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Adams, Barlow, Bradley, Bush, Carter, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Tate of Macon, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, Woods, of the House.—43.

Those who voted for Mr. Bradford are, Messrs. Brewer, Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Bowen, Brooks, Bryan, Clayton, Davidson, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Herren of Tallapoosa, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Shepard, Sherrod, Walden of Morgan, Warren, of the House.—34.

Those who voted for Mr. Harralson are, Messrs. Higgins, Woodward, of the Senate: And Messrs. Speaker, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Chambers, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Lloyd, Martin, McMurtry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, of the House.—43.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fourth time:

Those who voted for Mr. McSpadden are, Messrs. President, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, Griffin, Hill, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Adams, Barlow, Bradley, Bush, Carter, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield.—44.

Those who voted for Mr. Bradford are, Messrs. Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Bowen, Brooks, Bryan, Chambers, Clayton, Davidson, Davis, Flake, Gilchrist, Griffin of Jackson, Hobbs, Hubbard, Huck-



abee, Hudgins, Irby, Jack, Latham, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Smith of Lauderdale, Walden of Morgan, of the House.—31.

Those who voted for Mr. Harralson are, Messrs. Higgins, Jemison, Woodward, of the Senate: And Messrs. Speaker, Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Clapp, Coleman, Cowan, Dark, Easley, Ferrell, Fielder, Forsyth, Fountain, Griffin of Dale, Griffin of Marshall, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Starke, Tate of Macon, Thomas, White, Wright, Woods, of the House.—42.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fifth time:

Those who voted for Mr. McSpadden are, Messrs. President, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, Griffin, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Adams, Barlow, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Forsyth, Hardwick, Hearin of Clarke, Humphries, Lane, Mabry, Meadows, Neal, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the House.—45.

Those who voted for Mr. Bradford are, Messrs. Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Oats, Overall, Ramsey, Scott, Sherrod, Walden of Morgan, of the House.—28.

Those who voted for Mr. Harralson are, Messrs. Higgins, Jemison, Woodward, of the Senate: And Messrs. Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Warren, White, Wright, Woods, of the House.—45.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the sixth time, when,

The convention adjourned until half-past three o'clock this afternoon.

The Senate returned to its chamber, and adjourned until half-past three o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment, and was invited into the hall of the House of Representatives for the purpose of completing the business for which the convention had been convened.

The Senate repaired to the hall of the House, when the two Houses proceeded to ballot a sixth time for solicitor for the 5th circuit:

Those who voted for Mr. McSpadden, were Messrs. President, Bullock, Burnett, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Patton, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Shepard, Thornton, Walden of Coosa, Walker, Whitfield, of the House.—35.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Jackson, Stone, of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Morgan, of the House.—34.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Wood, Woodward, of the Senate; and Messrs. Speaker, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of Laudedale, Starke, Thomas, White, Wright, Woods, of the House.—45.

Neither of the candidates having received a majority of all the votes given the convention proceeded to the 7th ballot.

Those who voted for Mr. McSpadden, were Messrs. President, Bullock, Burnett, Calhoun, Hill, Horn, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Shepard, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the House.—36.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Jackson, McIntyre, Stone, of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davidson, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Smith of Lauderdale, Tate of Macon, Walden of Morgan, of the House.—37.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Jemison, Jones of Fayette, Wood, Woodward, of the Senate; and Messrs. Speaker, Aldridge, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Starke, Thomas, White, Wright, Woods, of the House.—47.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the 8th ballot.

Those who voted for Mr. McSpadden, were Messrs. President, Bullock, Burnett, Calhoun, Cocke, Hill, Mitchell, Nelson, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Shepard, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the House.—34.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Jackson, Jones of Greene, McIntyre, Patton, Stone, of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Morgan, of the house.—37.

Those who voted for Mr. Harralson were, Messrs. Griffin, Higgins, Horn, Jemison, Jones of Fayette, Wood, Woodward, of the Senate; and Messrs. Speaker, Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herren of Tallopoosa, Hightower, Holley of Covington, Holley of Tallopoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of

Lauderdale, Starke, Thomas, White, Wright, Woods, of the House.—49.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the 9th ballot.

Those who voted for Mr. McSpadden were, Messrs. President, Bullock, Burnett, Calhoun, Cocke, Hill, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield of the House.—35.

Those who voted for Mr. Bradford were, Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Hill, Jackson, Stone, of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Morgan, of the House.—35.

Those who voted for Mr. Harralson were, Messrs. Griffin, Higgins, Horn, Jamison, Jones of Fayette, Wood, Woodward, of the Senate; and Messrs. Speaker, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, Woods, of the House.—50.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the 10th ballot.

Mr. Cooper moved that the convention adjourn until ten o'clock to-morrow.

Lost.

Those who voted for Mr. McSpadden were, Messrs. President, Bullock, Burnett, Calhoun, Cocke, Hill, Mitchell, Nelson, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Parsons, Rice, Taylor, Thornton, Whitfield, of the House.—30.

Those who voted for Mr. Bradford were, Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Jackson, Jones of Greene, McIntyre, Patton, Stone, of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake,

Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Coosa, Walker, of the House.—40.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Horn, Jemison, Jones of Fayette, Wood, Woodward, of the Senate: and Messrs. Speaker, Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Loyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, Woods, of the house.—49.

Neither of the candidates having received a majority of all the votes given, the committee proceeded to the 11th ballot, the name of Mr. McSpadden being withdrawn.

Those who voted for Mr. Bradford, were Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Fleming, Jackson, Jones of Greene, McIntyre, Patton, Stone, of the Senate: and Messrs. Abney, Bell, Bowen, Brooks, Bryan, Bush, Carter, Chambers, Clayton, Clitherall, Davis, Flake, Forney, Gilchrist, Goldsmith, Griffin, of Jackson, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Neal, Oats, Overall, Ramsey, Scott, Sherrod, Walden of Morgan, Walker, Whitfield of the house.—47.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Hill, Horn, Jemison, Jones of Fayette, McSpadden, Mitchell, Nelson, Rowe, Staton, Toulmin, Walker, Wood, Woodward, of the Senate: and Messrs. Speaker, Adams, Aldridge, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Knox, Lane, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Parsons, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, Wright, Woods, of the house.—72.

Mr. Harralson having received a majority of all the votes given, was declared by the Speaker to be duly and constitutionally elected solicitor of the 5th judicial circuit for the term prescribed by law.

Mr. Jemison moved to adjourn until 10 o'clock to-morrow.

Lost.

Mr. Ramsey moved to adjourn until 12 o'clock to-morrow.

Lost.

The convention then proceeded to the election of a solicitor for the

#### EIGHTH JUDICIAL CIRCUIT.

Jere W. Williams, A. W. Starke, J. N. Arrington, J. McCaleb Wiley and John W. Harper, being in nomination.

Those who voted for Mr. Williams, were Messrs. President, Bullock, Chilton, Griffin, Jemison, of the Senate: and Messrs. Adams, Bowen, Chambers, Clayton, Scott, Walden of Morgan, Warren, of the house.—12.

Those who voted for Mr. Starke, were, Messrs. Bynum, Higgins, Nelson, Rowe, of the Senate: and Messrs. Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Cary, Clapp, Clifton, Clitherall, Coleman, Cowan, Davidson, Davis, Ferrell, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Humphries, Irby, Jack, Knox, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Coosa, Smith of Lauderdale, Taylor, Walden of Coosa, Walker, Whitfield, Wright, of the house.—46.

Those who voted for Mr. Arrington, were, Messrs. Brewer, Burnett, Calhoun, Fleming, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Speaker, Abney, Brooks, Bryan, Fielder, Forney, Forsyth, Gilchrist, Hardwick, Herman, Hubbard, Huckabee, Hudgins, Latham, Musgrove, Ramsey, Seale, Sherrod, Slater, Tate of Macon, Thornton, Woods, of the House.—35.

Those who voted for Mr. Wiley, were Messrs. Cocke, Horn, Jackson, McIntyre, Stone, of the Senate: and Messrs. Bradley, Cooper, Cunningham, Gibson, Goldsmith, Hale, Holley of Covington, Lane, Oats, Parsons, Rice, Seay, White, of the house.—18.

Those who voted for Mr. Harper, were Messrs. Austin, Cleveland, Staton, Woody, of the Senate: and Messrs. Aldridge, Flake, Fountain, Griffin of Dale, Thomas, of the house.—9.

Mr. Irby moved to adjourn until 10 o'clock to-morrow.

Lost.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a second time, Messrs. Wiley and Harper being withdrawn.

Those who voted for Mr. Williams, were Messrs. President, Bullock, Chilton, Cleveland, Horn, Jemison, McIntyre of the Senate: and Messrs. Adams, Bowen, Bryan, Chambers, Clayton, Flake, Fountain, Gibson, Hobbs, Rice, Scott, Thomas, Walden of Coosa, Warren, White of the house.—22.

Those who voted for Mr. Starke, were Messrs. Bynum, Higgins, Nelson, Rowe, Staton, Wood, of the Senate: and Messrs. Abney, Bell, Bibb, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Cary, Clitherall, Coleman, Cooper, Cowan, Dark, Davis, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Humphries, Irby, Jack, Knox, Lane, Lesueur, Lloyd Lowe, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Coosa, Smith of Lauderdale, Walker, Whitfield, Wright, of the house.—49.

Those who voted for Mr. Arrington, were Messrs. Austin, Brewer, Burnett, Calhoun, Cocke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Speaker, Aldridge, Bradley, Brooks, Burgess, Clifton, Cunningham, Easley, Fielder, Forney, Forsyth, Gilchrist, Goldsmith, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Latham, Musgrove, Oats, Parsons, Ramsey, Seay, Seale, Sherrod, Slater, Tate of Macon, Thornton, Walden of Morgan, Woods, of the house.—50.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a third time, when on motion of Mr. Higgins the convention adjourned until 10 o'clock to-morrow morning.

The Senate returned to its chamber and adjourned until to-morrow morning 10 o'clock.

FRIDAY, Jan. 27, 1860.

The Senate met pursuant to adjournment, and immediately repaired to the hall of the House of Representatives, for the purpose of completing the election for solicitors in the 8th, 10th and 11th judicial circuits.

Third ballot.

Those who voted for Mr. Starke are, Messrs. Bynum, Higgins, Nelson, Rowe, Stone, Wood, of the Senate: and Messrs. Speaker, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Davis, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lane,

Lesueur, Lloyd, Lowe, Mabry, McMurry, Meadows, Musgrove, Neal, Overall, Smith of Lauderdale, Thomas, Walker, Whitfield, Wright, of the house.—47.

Those who voted for Mr. Arrington are, Messrs. Brewer, Burnett, Calhoun, Cocke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate; and Messrs. Abney, Aldridge, Barlow, Bradley, Brooks, Burgess, Bush, Clifton, Cunningham, Davidson, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Latham, Oats, Parsons, Ramsey, Seay, Seale, Slater, Tate of Macon, Thornton, Woods, of the house.—50.

Those who voted for Mr. Williams are, Messrs. President, Bullock, Cleveland, Horn, Jemison, of the Senate; and Messrs. Adams, Bowen, Bryan, Chambers, Clayton, Flake, Fountain, Hobbs, Rice, Scott, Sherrod, Taylor, Walden of Coosa, Walden, of Morgan, Warren, White, of the house.—21.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fourth time.

Those who voted for Mr. Starke are, Messrs. Higgins, Nelson, Rowe, Stone, Wood, of the Senate; and Messrs. Speaker, Abney, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lane, Lesueur, Lloyd, Mabry, McMurry, Meadows, Musgrove, Neal, Overall, Smith of Lauderdale, Thomas, Walden of Coosa, Walker, Whitfield, Wright, of the House.—46.

Those who voted for Mr. Arrington are, Messrs. Brewer, Burnett, Bynum, Calhoun, Cocke, Fleming, Griffin, Hill, Jones of Fayette, Jones of Greene, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate; and Messrs. Aldridge, Barlow, Bradley, Brooks, Bryan, Burgess, Bush, Clifton, Cunningham, Davidson, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Oats, Parsons, Ramsey, Seay, Seale, Slater, Tate of Macon, Taylor, Thornton, Woods, of the House.—48.

Those who voted for Mr. Williams are, Messrs. President, Bullock, Cleveland, Horn, Jackson, Jemison, McIntyre, of the Senate; and Messrs. Adams, Bowen, Chambers, Clayton, Davis,



Flake, Fountain, Hobbs, Lowe, Rice, Scott, Sherrod, Walden of Morgan, Warren, White, of the House.—22.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the fifth ballot.

Those who voted for Mr. Starke are, Messrs. Cleveland, Higgins, Nelson, Rowe, Stone, Wood, of the Senate; and Messrs. Speaker, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Irby, Jack, Knox, Lesueur, Lloyd, Lowe, Mabry, McMurry, Meadows, Neal, Overall, Smith of Lauderdale, Thomas, Walker, Whitfield, Wright, of the House.—45.

Those who voted for Mr. Arrington are, Messrs. Brewer, Burnett, Bynum, Calhoun, Cocke, Fleming, Griffin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate; and Messrs. Abney, Aldridge, Barlow, Bradley, Brooks, Bush, Cunningham, Davidson, Davis, Easley, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Lane, Latham, Musgrove, Oats, Parsons, Ramsey, Seay, Slater, Tate of Macon, Taylor, Thornton, Walden of Coosa, Woods, of the House.—53.

Those who voted for Mr. Williams are, Messrs. President, Bullock, Horn, Jackson, Jemison, McIntyre, of the Senate; and Messrs. Adams, Bowen, Bryan, Chambers, Clayton, Flake, Fountain, Hobbs, Rice, Scott, Sherrod, Walden of Morgan, Warren, White, of the House.—20.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the 6th ballot.

Those who voted for Mr. Starke are, Messrs. Cleveland, Higgins, Nelson, Rowe, Stone, Wood, of the Senate; and Messrs. Speaker, Abney, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cowan, Dark, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Lauderdale, Thomas, Walden of Morgan, Whitfield, Wright, of the House.—44.

Those who voted for Mr. Arrington are, Messrs. President, Brewer, Burnett, Bynum, Calhoun, Cocke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden,

Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate; and Messrs. Aldridge, Barlow, Bradley, Brooks, Bryan, Burgess, Bush, Cunningham, Davidson, Davis, Easley, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Lane, Latham, Musgrove, Oats, Parsons, Ramsey, Scott, Seale, Slater, Tate of Macon, Taylor, Thornton, Walker, Woods, of the House.—56.

Those who voted for Mr. Williams are, Messrs. Bullock, Horn, Jamison, McIntyre, of the Senate; and Messrs. Bowen, Chambers, Clayton, Flake, Fountain, Hobbs, Lowe, Rice, Sherrod, Walden of Coosa, Warren, White, of the House.—16.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the 7th ballot.

Those who voted for Mr. Starke are, Messrs. Cleveland, Higgins, Nelson, Rowe, Stone, Wood of the Senate: and Messrs. Speaker, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Ferrell, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Lauderdale, Thomas, Whitfield, Wright, of the House.—43.

Those who voted for Mr. Arrington are, Messrs. President, Brewer, Burnett, Bynum, Calhoun, Cöcke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Abney, Aldridge, Bradley, Brooks, Bryan, Bush, Clifton, Cunningham, Davidson, Davis, Easley, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Dale, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Hudgins, Humphries, Latham, Musgrove, Oats, Parsons, Ramsey, Scott, Seay, Seale, Slater, Tate of Macon, Taylor, Thornton, Walden of Coosa, Walker, Woods, of the House.—59.

Those who voted for Mr. Williams are, Messrs. Bullock, Horn, McIntyre, of the Senate: and Messrs. Adams, Bowen, Chambers, Clayton, Flake, Hobbs, Lane, Rice, Sherrod, Walden of Morgan, Warren, White, of the House.—15.

Mr. Arrington having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected solicitor of the 8th circuit for the term prescribed by law.

The convention proceeded to the election of a solicitor for the 10th circuit, Jno. H. Caldwell and G. C. Ellis being in nomination.

Those who voted for Mr. Caldwell are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Cocke, Fleming, Griffin, Higgins, Horn, Jackson, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Stone, Woodward, of the Senate: and Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Bowden, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Chambers, Clayton, Clifton, Clitherall, Coleman, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Flake, Gilchrist, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Irby, Jones, Knox, Lane, Lesueur, Lloyd, Lowe, Mabry, Martin, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Scott, Seay, Sherrod, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Warren, Whitfield, Wright, Woods, of the House.—88.

Those who voted for Mr. Ellis are, Messrs. Hill, Jemison, Jones of Fayette, McSpadden, Staton, Toulmin, Walker, Wood, of the Senate: and Messrs. Aldridge, Bush, Clapp, Easley, Forney, Forsyth, Fountain, Gibson, Griffin of Marshall, Hardwick, Hightower, Hudgins, Humphries, Latham, McMurry, Parsons, Seale, Slater, Taylor, Walden of Coosa, White, of the House.—29.

Mr. Caldwell having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected solicitor for the 10th circuit for the term prescribed by law.

The convention proceeded to the election of a solicitor for the 11th circuit. R. H. Chapman, R. H. Dawson, E. W. Martin and Jas. G. Goode being in nomination.

Those who voted for Mr. R. H. Chapman are, Messrs. Higgins, Hill, McSpadden, Rowe, Walker, of the Senate: and Messrs. Bell, Burgess, Carter, Flake, Huckabee, Humphries, Lane, Lesueur, Overall, Parsons, Rice, Scott, Thomas, Wright, of the House.—18.

Those who voted for Mr. R. H. Dawson are, Messrs. Austin, Brewer, Bullock, Calhoun, Cocke, Griffin, Jemison, Jones of Greene, Patton, Staton, Stone, Wood, Woodward, of the Senate: and Messrs. Abney, Bowen, Brooks, Brown of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherall, Coleman, Easley, Fountain, Griffin of Jackson, Hale, Herman, Hobbs, Hudgins, Irby, Lloyd, Mabry, Meadows, Musgrove, Neal, Oats, Ramsey, Seay, Seale, Smith of Lauderdale, Tate of Macon, Thornton, White, Whitfield, Woods, of the House.—45.

Those who voted for Mr. E. W. Martin are, Messrs. Burnett, Fleming, Horn, McIntyre, Mitchell, Nelson, Toulmin, of the Senate: and Messrs. Adams, Aldridge, Bibb, Bowden, Bradley, Bush, Cary, Clapp, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Hardwick, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Jack, Knox, Latham, Lowe, McMurry, Starke, Walden of Coosa, Walden of Morgan, of the House.—38.

Those who voted for Mr. James J. Goode are, Messrs. President, Bynum, Cleveland, Jackson, Jones of Fayette, of the Senate: and Messrs. Speaker, Barlow, Brown of Marion, Fielder, Griffin of Marshall, Hearin of Clarke, Martin, Sherrod, Slater, Walker, of the House.—15.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the second ballot.

Those who voted for Mr. Chapman are, Messrs. Higgins, Hill, McSpadden, Walker, of the Senate: and Messrs. Bell, Burgess, Carter, Flake, Huckabee, Humphries, Lane, Lesueur, Overall, Parsons, Rice, Scott, Wright, of the House.—17.

Those who voted for Mr. Dawson are, Messrs. Brewer, Bullock, Calhoun, Cocke, Griffin, Jackson, Jemison, Jones of Greene, Patton, Staton, Stone, Wood, Woodward, of the Senate; and Messrs. Abney, Bowen, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherrall, Coleman, Easley, Fielder, Fountain, Griffin of Jackson, Hale, Herman, Hobbs, Hudgins, Irby, Lloyd, Mabry, Meadows, Musgrove, Neal, Oats, Ramsey, Seay, Seale, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Woods, of the House.—51.

Those who voted for Mr. Martin are, Messrs. Burnett, Fleming, Horn, Jones of Fayette, McIntyre, Mitchell, Nelson, Rowe, Toulmin, of the Senate; and Messrs. Adams, Aldridge, Bibb, Bowden, Bradley, Bush, Cary, Clapp, Cooper, Cowan, Cunningham, Dark, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Dale, Hardwick, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Jack, Knox, Latham, Lowe, McMurry, Starke, Taylor, Walden of Coosa, Warren, of the House.—41.

Those who voted for Mr. Goode are, Messrs. President, Bynum, Cleveland, of the Senate; and Messrs. Speaker, Barlow, Davis, Griffin of Marshall, Hearin of Clarke, Martin, Sherrod, Slater, of the House.—11.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the third ballot.

The name of Mr. Goode being withdrawn.

Those who voted for Mr. Chapman are, Messrs. Higgin

Hill, McSpadden, of the Senate; and Messrs. Bell, Carter, Huckabee, Lane, Lesueur, Overall, Parsons, Rice, Scott, Wright, of the House.—13.

Those who voted for Mr. Dawson are, Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cocke, Griffin, Jackson, Jemison, Jones of Greene, Patton, Rowe, Staton, Stone, Wood, Woodward, of the Senate; and Messrs. Abney, Barlow, Bowen, Brown, of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherall, Coleman, Easley, Fielder, Flake, Griffin of Jackson, Hale, Herman, Hobbs, Hudgins, Irby, Lloyd, Mabry, Martain, Meadows, Musgrove, Neal, Oats, Ramsey, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Woods, of the house.—56.

Those who voted for Mr. Martin were, Messrs. Burnett, Cleveland, Fleming, Horn, Jones of Fayette, McIntyre, Mitchell, Nelson, Toulmin, Walker, of the Senate; and Messrs. Speaker, Adams, Aldridge, Bowden, Bradley, Brooks, Brown of Marion, Burgess, Bush, Cary, Clapp, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Dale, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Humphries, Jack, Knox, Latham, McMurry, Starke, Taylor, Walden of Coosa and Warren, of the House.—49.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the fourth ballot.

The name of Mr. Chapman being withdrawn:

Those who voted for Mr. Dawson were, Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cocke, Griffin, Higgins, Jackson, Jemison, Jones of Greene, Patton, Rowe, Staton, Stone, Wood, Woodward, of the Senate; and Messrs. Abney, Barlow, Bowen, Brown of Marion, Brown of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherall, Coleman, Easley, Fielder, Flake Fountain, Griffin of Jackson, Hale, Herman, Hobbs, Holley of Covington, Hudgins, Irby, Lloyd, Mabry, Martin, Meadows, Musgrove, Neal, Oats, Parsons, Ramsey, Rice, Scott, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Woods, of the House.—63.

Those who voted for Mr. Martin were, Messrs. Burnett, Cleveland, Fleming, Hill, Horn, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Toulmin, Walker of the Senate; and Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowden, Bradley, Brooks, Burgess, Bush, Carter, Cary, Clapp, Cooper,

Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Dale, Griffin of Marshall, Hardwick, Hearin, of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Humphries, Jack, Knox, Lane, Latham, Lesueur, Lowe, McMurry, Overall, Starke, Taylor, Walden of Coosa, Warren, Wright, of the House.—58.

Mr. Dawson having received a majority of all the votes given, was declared duly and constitutionally elected solicitor for the 11th circuit for the term prescribed by law.

The Senate returned to its chamber.

On motion of Mr. Hill, the business before the Senate was suspended, to allow him to introduce the following resolution:

*Resolved*, That the Secretary of the Senate be, and he is hereby authorized to employ such assistants as may be actually necessary, for the proper dispatch of the public business, and that said assistants shall receive five dollars per day, to be paid as other officers of the General Assembly are paid.

The resolution was adopted.

By leave, Mr. Calhoun introduced a bill to incorporate Hamner Hall, a female seminary, in the county of Montgomery; which was read twice and referred to the committee on education.

Mr. Mitchell: A bill to incorporate the Western railroad company of the State of Alabama; which was read twice and referred to the committee on internal improvements.

On motion of Mr. Jemison, the general and special orders were suspended, to receive reports from standing committees.

Mr. Fleming, from the committee on the military, reported favorably, with the following amendment, to the "bill to incorporate the Southern Military Academy." Strike out all of section 8, after the word "demanded" in the 11th line.

The amendment was adopted, and the bill read a third time and passed;

Also, adversely to the petition of the trustees of the Central Institute.

The report was concurred in.

Also, favorably to the "bill to incorporate the Columbia True Blues, in Henry county."

The bill was read the third time and passed.

Also, favorably to the "bill to incorporate the Coffee Rifles, in Coffee county," with the following amendment;

Strike out the words "tents and camp equipage" in the 7th section.

The amendment was adopted, the bill read a third time and passed.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the bills—

To increase the salaries of the judges of the supreme court.

To amend section 1255 of the Code of Alabama, and also the act amendatory thereof, approved February 20th, 1854.

Mr. Nelson asked to be excused from serving on the committee on internal improvements.

He was excused; whereupon,

Mr. President appointed Mr. Bynum to fill the vacancy.

Mr. Fleming from the committee on the military, reported favorably on the "bill to incorporate the Marion Guards, in Tuscaloosa county," with the following amendments:

Strike out all of section four after the word "accoutrements;" also strike out all of sections five and six.

The bill and amendments were re-committed to the same committee.

Mr. Mitchell, from the committee on corporations, reported favorably on the "bill to incorporate the Opelika Insurance company," with the following amendments:

Amend the 5th section by adding: "And provided also, That said corporation shall not deal in or use the bills of foreign banks."

Amend the 7th section by adding: "And provided also, That the stockholders in said corporation shall be liable to the creditors thereof to the full amount of their respective shares of stock."

Amend the 8th section by striking out the words "thirty" where it occurs, and insert "fifteen."

The amendments were adopted, and the bill ordered to a third reading.

On motion of Mr. Bullock, reports from committees were suspended, to enable him to introduce the following resolution:

*Resolved*, (the House of Representatives concurring,) That the two Houses will meet informally in convention, in the hall of the House of Representatives, to-morrow evening, at 3 o'clock, for the purpose of hearing an address from Dr. Wozencroft, the bearer of a memorial from the State of California to the General Assembly of this State in reference to the Pacific railroad.

The resolution was adopted, and ordered that the House be informed of this action of the Senate.

Mr. Walker, from the committee on corporations, reported favorably to the bill from the House, "to incorporate the Dayton Female Academy, in the town of Dayton, Marengo county."

The bill was read a third time and passed.

Mr. Mitchell, from the same committee, reported favorably to the "bill to incorporate the Eufaula Marine and Fire Insurance company," with the following amendments:

1. Amend the 3d section by filling the blank therein, by inserting the words "first day of March and October next."

2. Amend the 8th section by adding at the end of said section, "or the bills of any foreign banks."

3. Amend the 11th section by striking out "thirty" where it occurs, and insert "fifteen."

Mr. Bullock moved to lay the second amendment on the table; which was lost.

Yeas 11, nays 14.

Yeas—Messrs. Brewer, Bullock, Fleming, Griffin, Jemison, McIntyre, McSpadden, Mitchell, Patton, Staton, Wood.

Nays—Messrs. President, Burnett, Calhoun, Cocke, Higgins, Hill, Horn, Jones of Fayette, Jones of Greene, Rowe, Stone, Toulmin, Walker, Woodward.

The bill was ordered to a third reading.

Message from the House by Mr. Brewer:

#### House of Representatives, Jan. 27.

Mr. President: The House concurs in the resolution of the Senate that the two Houses will meet informally, in the hall of the House, on to-morrow evening, for the purpose of hearing an address from Dr. Wozencroft, on the subject of the Pacific railroad.

The House has passed the following Senate bills:

To incorporate the Montgomery Race Track Association;

To incorporate the New Harmony male and female academy, in the county of Chambers;

To enable David Gardner, guardian of the minor heirs of Matthew T. Chum, deceased, to remove the guardianship of said heirs from the county of Morgan, to the county of Madison;

To repeal an act therein named, so far as it relates to the county of Choctaw.

The Senate then adjourned until to-morrow morning, 9½ o'clock.

#### SATURDAY, January 28, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Woodward, leave of absence was granted to Mr. Nelson.

Mr. Brewer asked leave to change his vote on the House bill "For the relief of the heirs of William Hawn, deceased, late



of Tuscaloosa county;" which was granted. Whereupon he voted yea.

Upon a call of the districts, the following bills were introduced:

Mr. Walker: a bill to incorporate the Coosa navigation and coal mining company; which was read twice and referred to the committee on internal improvements.

Mr. Stone: a bill to tax itinerant salesmen who sell by sample or pattern in this State, and to require them to take out a license; which was read twice and referred to the committee on finance and taxation.

Also, a bill to authorize conveyances to be made by commissioners where executors, administrators or guardians, purchase the real estate of their intestate, testator or ward; which was read twice and referred to the committee on the judiciary.

Message from the House by Mr. Brewer:

House of Representatives, Jan. 28.

Mr. President: The House has amended and passed the Senate bill:

To incorporate the Columbian Insurance company.

The House has originated and passed bills:

To enable the corporate authorities of the city of Mobile to grant the privilege of constructing railroads within the limits of said city;

To regulate the pay of grand and petit jurors in certain counties; the pay of jurors in the probate courts of the State, and to provide for the prompt payment of such jurors;

To authorize the issuance of civil process on Sunday in certain cases;

To provide and secure copies of county newspapers for the use of the courts of said counties;

To authorize Uriah Dunn, of Pike county, to make a final settlement with his ward, J. J. Bradshaw;

To prevent homicides;

To amend the law in relation to appeals.

Mr. Jackson asked to be excused from serving on the joint military committee.

He was excused; whereupon

Mr. President appointed Mr. Bynum to fill the vacancy.

Mr. Bullock presented the petition of Brittan & DeWolf, which was referred to the committee on accounts and claims.

Mr. Walker, from the committee on corporations, reported

favorably on the House bill to incorporate Pine Grove Church, in Barbour county.

The bill was ordered to a third reading.

Also, favorably on the House bill to incorporate the Greenville Female College.

The bill was ordered to a third reading.

Also, favorably on the House bill to amend the charter of the town of Dayton, in Marengo county.

The bill was ordered to a third reading.

Also, favorably on the House bills:

To incorporate the Alabama Presbytery of the Cumberland Presbyterian Church;

To revive and amend the act incorporating the Selma fire company;

Which were severally read a third time and passed.

Mr. Mitchell, from the same committee, reported favorably, with the following amendments, to the bill to incorporate the Marion insurance and trust company:

Amend the first section by inserting at the end of the 35th line of said section, "*Provided*, said corporation shall not make any certificates or acknowledgements for deposits, to pass or circulate as money, deal or use the bills of any foreign banks."

Amend the 11th section by striking out the word "twenty," where it occurs in said section, and insert in lieu thereof the word "fifteen."

The amendments were adopted and the bill ordered to a third reading.

Mr. Jones, from the same committee, reported favorably to the House bill

To revive and amend the act incorporating the Broad street hotel company, at Selma;

Which was read a third time and passed:

Ordered forthwith to the House.

Mr. Walker, from the same committee, reported favorably to the House bill

To incorporate the mountain railroad contracting company.

The bill was read a third time.

Mr. Mitchell moved to reconsider the vote suspending the constitutional rule, which was carried.

Mr. President moved to postpone the further consideration of the bill until Tuesday next, and make it the special order for the hour of 11 o'clock.

Mr. Jemison moved to amend the motion by adding, "and that 66 copies be printed for the use of the Senate."

A division of the question being called for, the question was taken first on printing, which was lost.

The question next being on the motion to postpone, it was carried.

Mr. Walker, from the same committee, reported adversely to the bill to establish a board of dental surgeons.

On motion of Mr. Walker, the bill and report were laid on the table.

Mr. Jemison, from the committee on finance and taxation, to whom was referred the resolution instructing them to inquire into the expediency of so amending the law in relation to tax on sales at auction, as to make the taxes on such auction sales nearer equal to the taxes on goods and merchandise sold at private sale; and also to inquire into the expediency of reducing the tax on slaves sold in this State, reported it as inexpedient to legislate upon the subject.

The report was concurred in.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the bills,

To enable David Gardner, guardian of the minor heirs of Matthew T. Chum, deceased, to remove the guardianship of said heirs from the county of Morgan to the county of Madison;

To incorporate the New Harmony male and female academy, in the county of Chambers;

To repeal an act therein named, so far as said act applies to the county of Choctaw;

To incorporate the Montgomery race course association;

Mr. Jemison from the committee on finance and taxation, reported favorably on the house bill to repeal an act therein named.

Mr. Brewer moved to amend the caption as follows: So far as relates to the county of Coosa.

The caption was so amended.

Also, favorably to the house bill to exempt justices of the peace and constables from working on roads in Randolph county.

The bill was ordered to a third reading.

Also, adversely to the bill to compensate physicians for post mortem examinations.

The report was concurred in.

Yeas 11; nays 10.

Yeas—Messrs. Brewer, Calhoun, Cocke, Hill Jackson, Jemison Jones of Greene, Patton, Rowe, Walker and Woodward.

Nays—Messrs. Bullock, Bynum, Fleming, Higgins, Jones of

Fayette, McIntyre, McSpadden, Nelson, Stone, Toulmin and Wood.

Message from the Governor by his private Secretary, Mr. Watkins Phelan.

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles:

To incorporate the Octavia W. Lee Vert Normal college for young ladies, in Dadeville, Tallapoosa county;

For the benefit of Jane L. Reed;

To incorporate the Euraka mining and manufacturing company;

For the relief of William J. Kennedy;

For the relief of Stanford Mims;

To better secure the collection of certain taxes;

To furnish Lagrange military academy with arms, and for other purposes;

To establish an institution for the deaf and dumb;

To create an additional term of the chancery court for the 26th chancery district of the middle division.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being the motion of

Mr. Griffin to reconsider the vote ordering to a third reading the bill to provide for an efficient military organization for the State.

On motion of Mr. Jones of Greene, the consideration of the motion was postponed until Tuesday next, and made the special order for the hour of 11 o'clock.

Mr. Jones of Greene, from the committee on internal improvements, reported favorably to the bill to incorporate the Pickensville branch of the Mobile and Ohio railroad company.

The bill was read a third time and passed.

Also, favorably to the house bill to amend the charter of the Marion and Cahaba railroad company with the following amendment: Strike out the word "Union," in the 6th line of the first section, and insert "Marion."

The amendment was adopted, the bill read a third time and passed.

Also, favorably with the following amendments to the bill to amend and extend the charter of the East and West Alabama railroad company: Strike out the words "five" and "fifteen" in the first and third sections, and insert "three" and "ten." Strike out in the third section all after the word "points," in the 5th line from the bottom.

The amendments were adopted, the bill read a third time and passed.

Message from the House, by Mr. Brewer.

House of Representatives, Jan. 28.

Mr. President: The House has amended and passed the Senate bill

To incorporate a medical college at Mobile.

On motion of Mr. Toulmin, the business before the Senate was suspended to consider the amendments of the House to the above bill.

The amendments were concurred in.

Mr. Toulmin, from a select committee, reported favorably on the bill for the relief of the administrator of Jacob Mitchell, deceased.

The bill was ordered to a third reading.

Mr. Bullock, from the committee on the judiciary, reported favorably to the bill to authorize register's in chancery to appoint trustees in certain cases therein named.

Also, favorably on the bill to provide for collecting and paying over costs in certain cases.

Also, favorably on the bill to amend an act entitled an act to amend section 2471 of the Code;

All of which were severally read the third time and passed.

Also favorably on the bill to amend section 3254 of the Code of Alabama; and

To amend the law relative to the unlawful detainer of lands.

Both of which were ordered to a third reading.

Also, adversely to the bill to better regulate the conveyance of persons to the penitentiary.

To regulate the fees of registers' in chancery; and the House bill

To authorize executors and administrators in certain cases, to invest the surplus moneys in their hands.

The reports were concurred in.

Also, adversely to the resolutions to prepare an amended and revised constitution for the State of Alabama.

The report was concurred in.

Mr. Walker, from the same committee, to whom was referred the bill to fix the compensation of the judges of the circuit courts, reported that inasmuch as the judicial circuits have been increased at this session of the General Assembly, they therefore deemed it inexpedient to increase the salaries of the judges at this session.

On motion of Mr. Bullock, the consideration of the bill and report was postponed until Wednesday next, and made the special order for the hour of 11 o'clock.

Mr. Cocke, from the same committee, to whom was referred a bill to define the manner of trying slaves for offences higher than petit larceny, reported a substitute therefor, with the following title:

An act for the speedy trial of slaves and free persons of color.

Mr. Bullock moved to indefinitely postpone the consideration of the bill and substitute.

Mr. Burnett moved to postpone until Tuesday next, 11 o'clock.

The question being first on Mr. Burnett's motion, it was lost. Yeas 6, nays 21.

Yeas—Messrs. Brewer, Burnett, Calhoun, Cocke, Hill, and Stone.

Nays—Messrs. President, Bullock, Bynum, Fleming, Griffin, Higgins, Horn, Jackson, Jamison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Toulmin, Walker, Wood, Woodward.

The question recurred on Mr. Bullock's motion to indefinitely postpone the consideration of the bill and substitute, which was carried.

Yeas 19, nays 8.

Yeas—Messrs. President, Bullock, Bynum, Fleming, Griffin, Higgins, Jackson, Jamison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Brewer, Burnett, Calhoun, Hill, Horn, Rowe, Stone.

Message from the House by Mr. Brewer.

House of Representatives, Jan. 28.

*Mr. President:* The hour having arrived at which the two Houses have by joint resolution agreed to meet in convention for the purpose of electing a solicitor for the 6th judicial circuit, the Senate is respectfully invited into the hall of the House to proceed to that business.

The Senate repaired forthwith to the hall of the House, whereupon the two houses in joint convention proceeded to the election of a solicitor for the

## SIXTH JUDICIAL CIRCUIT.

Messrs. John R. Tompkins, Leonard F. Summers, William J. Kennedy, H. F. Drummond, and W. J. O'Brien, of Mobile, being in nomination.

Those who voted for Mr. Tompkins are, Messrs. Bullock, Griffin, Rowe, Stone, Woodward, of the Senate; and Messrs. Bell, Bowen, Bradley, Brooks, Bryan, Bush, Carter, Clayton, Clifton, Clitherall, Davidson, Fielder, Hardwick, Lloyd, Mabry, Martin, Meadows, Neal, Ramsey, Rice, Thornton, Whitfield, of the House.—27.

Those who voted for Mr. Summers are, Messrs. President, Brewer, Burnett, Bynum, Cleveland, Cocke, Fleming, Horn, Jones of Fayette, McIntyre, McSpadden, Mitchell, Patton, Staton, Walker of the Senate; and Messrs. Speaker, Adams, Aldridge, Barlow, Bibb, Bowden, Brown of Marion, Burgess, Clapp, Coleman, Cooper, Cowan, Davis, Easley, Ferrell, Flake, Forney, Forsyth, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Huckabee, Hudgins, Humphries, Jack, Latham, Lesueur, Lowe, McMurry, Musgrove, Oats, Overall, Scott, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Tait of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Wright, of the House.—66.

Those who voted for Mr. Kennedy are, Messrs. Calhoun, Hill, Jemison, Toulmin, Wood, of the Senate; and Messrs. Chambers, Dark, Gibson, Irby, Parsons, Starke, of the House.—12.

Those who voted for Mr. Drummond are, Messrs. Higgins, Jackson, Jones of Greene, of the Senate; and Messrs. Cunningham, Hale, Holley of Covington, Hubbard, Warren, Woods, of the House.—9.

Those who voted for Mr. O'Brien are, Messrs. Cary, Knox, Lane, Walker, of the House.—4.

Mr. Summers having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected solicitor for the 6th judicial circuit for the term prescribed by law.

The convention having concluded the business for which it had assembled, the Senate returned to its chamber.

By leave, Mr. Griffin introduced a bill for the relief of Stephen M. Ingersoll, of Russell county, which was read twice and referred to the committee on the judiciary.

The Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, Jan. 30, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts the following bills were introduced:

Mr. Toulmin: A bill to revive an act to incorporate the Eagle railroad and lumber company;

Also, a bill to incorporate the Alabama sewing machine company;

Mr. Cocke: A bill to amend the charter of the town of Marion;

Which were severally read twice and referred to the committee on corporations.

Mr. Toulmin: A bill to incorporate the mechanics' aid association of Mobile; which was read twice and referred to the committee on banks and banking.

Also, a bill to revive an act entitled an act to authorize certain persons therein named to clear out Pass Horn, and for other purposes, approved February 9, 1852;

Mr. Stone: A bill to incorporate the Pickens Academy;

Which were severally read and ordered to a second reading.

Mr. Bullock: A bill to amend section 3043 of the Code of Alabama;

Mr. Jones, of Greene: Petition of the grand jury of Marengo county in relation to the selling of spirituous liquors to slaves, &c.;

Mr. Cocke: Petition of John Lockhart, trustee, etc.;

Mr. Mitchell: a bill to authorize the issuance of executions from the chancery courts in certain cases;

Which were severally read twice and referred to the committee on the judiciary.

Mr. Cocke: A bill for the relief of Martha Adams, of Perry county.

The bill was read twice.

Mr. Toulmin moved to amend as follows:

*Be it further enacted,* That the provisions of this act be, and they are hereby extended so as to grant relief to Olivia Brown, formerly Booth, of the county of Mobile, whose husband, Henry Brown, abandoned said Olivia more than seven years since.

The bill and amendment were referred to the committee on the judiciary.

Mr. Stone: a bill, accompanied with a petition, to change the boundary line between the counties of Monroe and Clarke.

The bill was read twice and referred to the committee on county boundaries.

Mr. Patton: A bill, accompanied with a petition, to amend



the charter of the town of Rodgersville, in Lauderdale county. The bill was read three times forthwith and passed.

On motion of Mr. Cocke, the vote concurring in the adverse report of the judiciary committee to the joint resolutions to prepare an amended or revised constitution for the State of Alabama, which was carried; and

On motion of Mr. Hill, the joint resolutions were referred to a select committee, composed of Messrs. McSpadden, Hill, Calhoun, Stone, and Jackson.

Message from the House, by Mr. Brewer.

“House of Representatives, Jan. 30.

Mr. President: The House has originated and passed the following bills:

To authorize Wm. E. Gilbert and his associates to build a dam across the Tallapoosa river in Randolph county, for manufacturing purposes;

To prohibit the sale of vinous or spirituous liquors at or within one mile of the town of Centre, in Cherokee county;

To authorize the compilation of the final records of the circuit court of the county of Marengo;

To amend the laws relative to the Mobile Savings company;

To incorporate the hook and ladder company in the city of Eufaula;

To amend section 2138 of the Code, so as to allow the State to be sued in chancery;

To authorize the probate judge of Madison county to act as guardian in a certain case;

To enable M. M. George to remove his infant ward, A. Ellerbe English, beyond the limits of this State;

To enable Nicholas Davis, trustee, to change the investment of trust funds;

To divorce Sarah Nichols from her husband, Edward Nichols, and divorce other persons therein named;

To amend the charter of the Mobile marine, dock, and mutual insurance company;

For the relief of Mary A. Hammock.

The House has amended by substitute and passed the Senate bill,

To amend section 2318 of the Code.

The House has passed Senate bills

To amend section 1136 and 1137 of the Code of Alabama, as to the county of Monroe;

Amendatory of the act approved Dec. 12, 1857.

Mr. McSpadden, from the committee on the judiciary, reported favorably on the bill to dispose of free persons of color in the State of Alabama.

Mr. McSpadden moved to amend as follows:

Sec. 5. *Be it further enacted*, That the commissioners appointed under the provisions of this act shall receive such compensation for their services as the court of county commissioners of their respective counties may determine, to be paid out of the moneys raised by the sales by them made; and if no sales are made, out of any moneys in the treasuries of the said counties not otherwise appropriated.

Which was adopted.

Mr. Toulmin moved to amend as follows:

Provided, however, That nothing in this act shall be so construed as to apply to the free persons of color or their descendants residing in this State at the time of the change of flag, in 1813.

Mr. Cocke moved to amend as follows:

Provided, That the provisions of this act shall not apply to the persons of color or their descendants who were provided for in the treaty by which the United States acquired a portion of the State of Alabama from Spain.

Which was adopted.

Mr. Jemison moved to amend as follows:

That Solomon Perteat, of Tuscaloosa county, and Horace King, of Russell county, and their families, shall be permitted to remain and reside in this State, anything in the provisions of this act to the contrary notwithstanding.

On motion of Mr. Patton, the bill and amendments were re-committed to a select committee, composed of Messrs. Patton, Jemison, Fleming, Mitchell, Calhoun, McIntyre, and Bynum.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the bills:

To establish a medical college at Mobile;

To amend sections 1136 and 1137 of the Code, as to the county Monroe;

Amendatory to an act approved Dec. 12, 1857.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being the bill

To repeal the laws of the State of Alabama securing to married women their separate estates.

On motion of Mr. Bullock, the further consideration of the bill was postponed until Tuesday next, 12 o'clock, and made the special order for that hour.

Mr. Bullock, from the committee on the judiciary, reported

adversely to the bill to encourage and promote mechanical and scientific arts in the State of Alabama.

Mr. Cocke moved to lay the report on the table, which was lost.

Yeas 4, nays 20.

Yeas—Messrs. Calhoun, Cock, Fleming and Hill.

Nays—Messrs. Brewer, Bullock, Bynum, Higgins, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Stone, Toulmin, Walker, Wood, and Woodward.

The report was concurred in.

Yeas 19, nays 4.

Yeas Messrs. Brewer, Bullock, Bynum, Higgins, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, and Woodward.

Nays—Messrs. Calhoun, Cocke, Fleming, and Hill.

The Senate concurred in the amendment made by the House to the bill

To incorporate the Columbiana insurance company.

The Senate refused to concur in the amendment made by the House to the bill to prevent the game called keno, and other games.

Yeas 9, nays 15.

Yeas—Messrs. Brewer, Calhoun, Fleming, Mitchell, Rowe, Staton, Toulmin, Walker, Wood.

Nays—Messrs. President, Bullock, Bynum, Cocke, Higgins, Hill, Horn, Jackson, Jones of Greene, McIntyre, McSpadden, Patton, Stone, Woodward.

The Senate concurred in the amendments made by the House to the bill to more effectually punish the crime of incest.

Also, in the amendments to the bill to provide for the sale of lands purchased by the State and tax sales, and which have not been redeemed under section 469 of the Code.

The Senate refused to recede from its amendment to the House bill to reorganize and fix the times of holding the courts of chancery in the middle chancery division. That the House be informed forthwith of the action of the Senate.

The Senate refused to concur in the first amendment and concurred in the second amendment of the House to the bill to to exempt certain property from levy and sale.

The bill to amend section 2318 of the Code, as amended by the House, and referred to the committee on the judiciary.

The House bill to incorporate sundry volunteer companies, was read twice and referred to the committee on the military.

The House bills :

To amend an act to authorize the sale of personal property for distribution, approved Feb. 16, 1854, and to amend section 1678 of the Code;

To regulate the pay of grand and petit jurors in certain counties, the pay of jurors in the probate courts of the State, and to provide for the prompt payment of such jurors;

To prevent homicide;

Were severally read twice, and referred to the committee on the judiciary,

The House bills :

To amend the law in relation to appeals;

To authorize Uriah Dunn, of Pike county, to make a final settlement with his ward, J. J. Bradshaw;

To enable the corporate authorities of the city of Mobile, to grant the privilege of constructing railroads within the corporate limits of said city;

To make the clerk of the city court of Mobile elective by the people;

To allow Samuel Crosby and J. J. Bailey, to erect fish traps on Big Bear creek, in the county of Franklin;

Were all severally read three times forthwith and passed.

The House bills :

To provide and secure copies of county newspapers for the use of the courts of said counties;

To authorize the issuance of civil process on Sunday, in certain cases;

To repeal section 496 of the Code so far as the same relates to Winston county;

Were severally read, and ordered to a second reading.

The house bill to divorce Sarah Nichols from her husband, Edward Nichols, and to divorce other persons therein named, was read twice and referred to the committee divorce and alimony.

The house bill to provide for the payment of detached halves of bank bills issued by the bank of the State of Alabama and branches, was read twice and ordered to a third reading.

The house bill to incorporate Woodlawn female institute, in the county of Macon, was read twice referred to the committee on corporations.

The Senate then adjourned until to-morrow morning 10 o'clock.

TUESDAY, Jan. 31, 1860.

The Senate met pursuant to adjournment.

Upon a call of the counties, the following bills were introduced :

Mr. Toulmin : a bill to revive and continue in force an act to incorporate the Mobile live stock and general insurance company approved December 20, 1851, as amended by an act entitled an act to alter and amend an act to incorporate the Mobile live stock and general insurance company, approved December 20, 1851, approved 12th December, 1853.

Which was read twice and referred to the committee on corporations.

Mr. Calhoun : a bill to amend the charter of the Cahaba and Greenville railroad company.

Mr. Stone : a bill to incorporate the Carrolton and Eutaw railroad company.

Which were severally read twice and referred to the committee on internal improvements.

Mr. Calhoun : a bill to amend the charter of the town of Cahaba, which was read three times forthwith and passed.

Mr. Jones of Greene : a bill to provide for an efficient military organization for the State of Alabama, which was laid on the table, and 133 copies ordered to be printed for the use of the General Assembly.

Mr. Bullock : a bill to amend section 3243 of the Code of Alabama, which was read twice and referred to the committee on the judiciary.

On motion of Mr. Bullock, all the votes taken on the bill from the house to amend the law in relation to appeals were reconsidered, so as to place the bill on its second reading.

Whereupon the bill was referred to the committee on the judiciary.

Mr. Bynum, from the committee on sixteenth sections; reported adversely to the bill to authorize the State superintendant to pass certain moneys to the credit of section 16, township 19, range 2 east, in the Tuscaloosa land district.

The report was concurred in.

Mr. Jones of Greene, from the committee on internal improvements, reported favorably on the bill to incorporate the Columbus and Florence railroad company.

Mr. Calhoun moved to amend as follows :

SEC. 16. Be it further enacted, That the construction of said railroad shall be commenced within three years and finished in ten years.

Also favorably to the bill to incorporate the Western railroad of the State of Alabama.

Which were read a third time and passed.

On motion of Mr. Bullock, leave of absence was granted to Messrs. Brewer and Cleveland.

Mr. Jemison, from the committee on finance and taxation, reported favorably, with the following amendment to the House bill for the relief of Reece Price, late of Marengo county: Strike out the word "thirty" and insert "twenty."

The amendment was adopted, and the bill read a third time and passed.

On motion of Mr. Rowe, the bill to amend the free public school law of the State of Alabama, approved February 14, 1856, was taken from the table and postponed until the 8th Feb., and made the special order for the hour of half past 10 o'clock of that day.

By leave, Mr. Higgins introduced a bill to authorize Jesse Lampley to sell a certain tract of land therein named, which was read twice and referred to the committee on the judiciary.

On motion of Mr. Griffin the House bill to alter and amend the act incorporating the town of Girard, in the county of Russell, was taken from the table.

Mr. Griffin moved to amend as follows:

Be it further enacted, That the act incorporating the town of Girard, approved 13th January, 1854, and the act to alter and amend an act to alter and amend the charter of the town of Girard, approved 2d January, 1846, and the act to alter and amend an act incorporating the town of Girard, in the the county of Russell, be and the same is hereby repealed; and all parts thereof of the said several acts, that is to say, said corporation shall not extend further north than the middle of a certain line along the middle of Washington street, said line to commence at the Chattahoochee river, and to continue northwardly the course of said street to the Western boundary of said corporation.

The amendment was adopted; and

On motion of Mr. Mitchell, the further consideration of the bill was indefinitely postponed.

Mr. Woodward, from the committee on roads, bridges and ferries, reported favorably to the bill for the benefit of Robert Lewis.

The bill was ordered to a third reading.

Message from the House by Mr. Brewer.

House of Representatives, Jan. 31.

Mr. President: The House has originated and passed bills of the following titles:

To authorize the executrix of William Robinson, also the ad-

ministrators of Robert Coles, to keep together the estates of their respective decedents, and for other purposes;

To incorporate the Huntsville and Big Cove Turnpike company;

To repeal the act of February 14, 1856, session acts, page 301, in relation to the rights and liabilities of stockholders in railroad and other companies; &c.;

To allow the probate judge of Pike county to take jurisdiction of the estate of William McCullough, deceased, of Montgomery county;

To compensate surgeons and physicians for attending coroners' inquests;

To authorize the coroners of this State to appoint bailiffs;

To amend an act therein named, in regard to the court of commissioners of Limestone county;

For the benefit of insolvent white persons confined in jail in any county in this State.

Message from the Governor by Mr. Phelan.

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles:

To increase the salaries of the judges of the supreme court:

To amend section 1225 of the Code of Alabama, and also the act amendatory thereof, approved Feb. 20, 1854;

To incorporate the Montgomery race course association;

To repeal an act therein named, so far as said act applies to the county of Choctaw;

To incorporate the New Harmony male and female academy, in the county of Chambers;

To enable David Gardner, guardian of the minor heirs of Matthew T. Chum, deceased, to remove the guardianship of said heirs from the county of Morgan to the county of Madison;

To amend sections 1136 and 1137 of the Code of Alabama, as to the county of Monroe;

To incorporate a medical college at Mobile.

I am also instructed by the Governor, to deliver to the Senate the accompanying communication.

WATKINS PHELAN, Private Sec'y.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Jan. 31, 1860.

*Gentlemen of the Senate:*

An act passed by the General Assembly, and approved 27th January, 1860, to establish the Alabama institution for the deaf

and dumb, requires the Governor to nominate four commissioners to the Senate for confirmation, who, with the superintendent of public education, are to constitute the board of trustees for the management of said institution.

In obedience to the requirements of said act, I hereby nominate to the Senate for confirmation, James B. Martin, J. T. Bradford, Marcus M. Cruikshanks, William Taylor, all of Talladega.

Respectfully,

A. B. MOORE.

The hour of 11 having arrived, the Senate proceeded to the consideration of the special order, it being the bill

To protect and regulate the currency of Alabama, together with the amendment offered by Mr. Wood.

Mr. Jemison moved to postpone the further consideration of the bill and amendment until Monday next, and make it the special order for the hour of 12 o'clock, which he subsequently, withdrew, when

Mr. Cocke moved to refer the bill and amendment to a select committee, composed of Messrs. Patton, Jemison, McIntyre, Bynum and Fleming.

Pending discussion, Mr. Mitchell having the floor.

The Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Feb. 1, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Hill the call of the districts was suspended for the purpose of considering the message of the Governor, communicated to the Senate on yesterday, nominating to the Senate for confirmation, James B. Martin, J. T. Bradford, Marcus M. Cruikshank, and William Taylor, who, together with the superintendent of public education, are to constitute a board of trustees for the management of the deaf and dumb institution of the State of Alabama, under act of Jan. 27, 1860.

Whereupon the Senate confirmed the nominations.

Upon a call of the districts, the followin bills were introduced :

Mr. Wood : the petition of H. Hays, and other citizens of Henry county, which was referred to the committee on accounts and claims.

Mr. Chilton : the petition of citizens of Warrior Stand, Macon county, which was referred to the committee on corporations.

Mr. Woodward : a bill to amend an act therein named, which was read a first and second times.



Mr. Jones of Greene, moved to amend as follows:

Be it further enacted, That the change made by this act shall not affect the circuits of the solicitors in the 6th and 7th judicial circuits, but they shall retain for their respective terms the counties in their circuits provided by the act to lay off and divide the State of Alabama into eleven judicial circuits.

Mr. Rowe moved to refer the bill to a select committee, composed of Messrs. Woodward, Jemison, Stone, Jones of Greene, and Bullock, which was lost.

Mr. Woodward moved to suspend the constitutional rule, to give the bill a third reading forthwith, which was lost.

Yeas 18, nays 10.

Yeas—Messrs. President, Bynum, Calhoun, Chilton, Cocke, Felder, Fleming, Griffin, Higgins, Hill, Horn, Jackson, Jones of Fayette, McIntyre, Mitchell, Toulmin, Wood, Woodward.

Nays—Messrs. Bullock, Burnett, Jemison, Jones of Greene, McSpadden, Patton, Rowe, Staton, Stone, Walker.

Mr. Jemison moved to lay the bill and amendment on the table.

A division of the question being called for, the question was first taken on laying the amendment on the table, which was lost.

The question next being on laying the bill on the table, it was lost.

Mr. Jones' amendment was adopted, and the bill ordered to a third reading.

On motion of Mr. Calhoun,

*Resolved*, That the judiciary committee be instructed to inquire what legislation, if any, is necessary to provide for the appointment of solicitors for the several circuits for which solicitors were elected at this session, whose term of office will not commence until the 1st July next.

Message from the House by Mr. Brewer.

Mr. President: The House has passed the following Senate bills:

To incorporate the Columbia True Blues, in Henry county;

To incorporate the Coffee Rifles, in Coffee county;

To incorporate the Southern military academy;

To compel the Alabama and Florida railroad company to drain the ponds along the line of said road;

To amend an act entitled an act to amend section 2471 of the Code;

To incorporate the Pickensville branch of the Ohio and Mobile railroad company;

To repeal an act to regulate fees for marriage license in Benton county;

To regulate amendments in chancery;

To place the widows of deceased persons upon an equality with other distributees of their estates;

To authorize the judges of the circuit courts to preside in their own circuit without having to change with each other;

To pay witnesses and costs in Lowndes and Montgomery counties, in certain cases.

The House has amended as therein shown, and passed bills with the following titles:

Amendatory to an act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved February 2, 1858;

To authorize the commissioners of Mobile county to elect an inspector of sawed lumber, square timber, &c., for said county.

The House has originated and passed bills of the following titles:

To regulate the jurisdiction and fees of justices of the peace and constables in beats Nos. 4 and 5, in the city of Montgomery;

To incorporate Spring Hill male and female academy, in Pike county;

To incorporate the Mobile Hebrew relief association;

To incorporate Plantersville institute, in Talladega county;

To authorize the court of county commissioners of the county of Franklin to make appropriations for the relief of certain persons therein named;

To authorize the owners of steam grist mills in the county of Jackson, to take the one-sixth as toll for grinding;

To regulate the time of holding the chancery court in the county of Barbour;

To repeal a certain act therein named, regulating the registration of claims in the county of Dekalb;

To re-enact a certain act, &c.;

To establish a certain ferry therein named, in the county of Washington;

To amend the charter of the Montgomery gas light company;

To compensate bailiffs for Walker county;

To allow the commissioners' court of roads and revenue of the county of Perry, to build a bridge across Cahaba river, in said county;

To authorize the Governor to issue a patent to Thomas Walker, of Dallas county, for certain school lands therein mentioned;

To authorize John Holley, of Coffee county to establish a bridge or ferry in said county.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the special orders, the first in order being the bill

To protect and regulate the currency of Alabama.

The question being on Mr. Cocke's motion made on yesterday, to refer to a select committee; the Senate refused to refer.

Yeas 13, nays 13.

Yeas—Messrs. President, Calhoun, Cocke, Higgins, Hill, Jemison, Jones of Greene, McIntyre, McSpadden, Patton, Rowe, Toulmin, Walker.

Nays—Messrs. Bullock, Burnett, Bynum, Felder, Fleming, Griffin, Horn, Jackson, Jones of Fayette, Mitchell, Staton, Wood, Woodward.

Mr. Wood withdrew his amendment.

Mr. Burnett moved to indefinitely postpone the consideration of the bill.

Mr. Jemison moved to lay the bill on the table, which was lost.

Yeas 12, nays 15.

Yeas—Messrs. Calhoun, Cocke, Hill, Jemison, Jones of Greene, McIntyre, McSpadden, Patton, Rowe, Stone, Toulmin, Walker.

Nays—Messrs. President, Bullock, Burnett, Bynum, Felder, Fleming, Griffin, Higgins, Horn, Jackson, Mitchell, Staton, Wood, Woodward.

Mr. Cocke moved to postpone the further consideration of the bill until Tuesday next, and make it the special order for 11 o'clock.

Mr. Mitchell moved to postpone until the 15th February, which was lost.

The question then recurred on Mr. Cocke's motion to postpone until Tuesday next, 11 o'clock; which was lost.

Yeas 12, nays 16.

Yeas—Messrs. Calhoun, Cocke, Higgins, Hill, Jemison, Jones of Greene, McSpadden, Patton, Rowe, Stone, Toulmin, and Walker.

Nays—Messrs. President, Bullock, Burnett, Bynum, Chilton, Felder, Fleming, Griffin, Horn, Jackson, Jones of Fayette, McIntyre, Mitchell, Staton, Wood, Woodward.

The question then recurred on Mr. Burnett's motion to indefinitely postpone, which was carried.

Yeas 16, nays 12.

Yeas—Messrs. President, Bullock, Burnett, Bynum, Chilton, Felder, Fleming, Griffin, Horn, Jackson, Jones of Fayette, Mitchell, Staton, Walker, Wood, Woodward.

Nays—Messrs. Calhoun Cocke, Higgins, Hill, Jemison, Jones Greene, McIntyre, McSpadden, Patton, Rowe, Stone, Toulmin.

The next special order being the resolution of Mr. Horn, proposing that the two houses adjourn *sine die* on the 8th February.

Mr. Horn moved to amend by striking out the "8th" and insert the "13th."

Mr. Cocke moved to insert "20th."

The question being first put on striking out, it was carried.

Mr. Burnett moved to insert the "15th."

Mr. Calhoun moved to insert the "17th, at 12 o'clock M."

Mr. Walker moved to insert the "18th."

The question being first put on Mr. Cocke's motion to insert the 20th, it was lost.

Yeas 11, nays 17.

Yeas—Messrs. Bynum, Chilton, Cocke, Higgins, Hill, Jackson, Jemison, McIntyre, Patton, Rowe, Walker.

Nays—Messrs. President, Bullock, Burnett, Calhoun, Felder, Fleming, Griffin, Horn, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Staton, Stone, Toulmin, Wood, Woodward.

The question then recurred on Mr. Walker's motion to insert the 18th, which was lost.

The question then recurred on Mr. Calhoun's motion to insert the 17th, at 12 o'clock M.; which was carried.

Yeas 17, nays 11.

Yeas—Messrs. Bynum, Calhoun, Chilton, Felder, Fleming, Hill, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Patton, Rowe, Staton, Stone, Toulmin, Walker.

Nays—Messrs. President, Bullock, Burnett, Cocke, Griffin, Higgins, Horn, Jones of Fayette, Mitchell, Wood, Woodward.

Mr. Cocke moved to amend as follows:

And that no new business shall be introduced; nor reports received, after the 12th inst., without the consent of four-fifths of the body.

On motion of Mr. Horn the amendment was laid on the table.

The resolution was adopted and ordered forthwith to the House.

By leave, Mr. Burnett introduced a bill to incorporate the

Southern express company, which was read twice and referred to the committee on corporations.

Mr. Chilton: a bill for the relief of Horace King and his family; which was read twice and referred to the select committee to whom was referred the bill to dispose of the free persons of color in this State.

On motion of Mr. Jones, of Greene, the bill to amend the road laws in the county of Marengo, in certain townships therein named, was taken from the table.

Whereupon, Mr. Jones, of Greene, offered as a substitute a bill to repeal and amend the road laws so far as they are applicable to certain townships east of the Tombeckbee river, and lying in Marengo county.

The substitute was adopted and the bill read a third time and passed.

Mr. Burnett moved to adjourn until to morrow morning 10 o'clock.

Mr. Calhoun moved to adjourn to half-past three o'clock this afternoon.

The question being put on Mr. Burnett's motion, it was carried, and

The Senate stood adjourned until to morrow morning 10 o'clock.

THURSDAY, Feb. 2, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Hill, the bill to be entitled an act to incorporate the Lineville male and female academy, in Talladega county, was taken from the table, and was read a second and third times and passed.

Upon a call of the districts, the following bills were introduced:

Mr. Rowe: A bill, accompanied with a petition, to compensate A. M. Barter for services rendered; which was read twice and referred to the committee on finance and taxation.

Mr. Jones, of Fayette: A bill authorizing the administrator of W. C. M. Almon, late of Marion county, to make settlements in certain cases;

Which was read twice and referred to the committee on the judiciary.

Mr. Bynum: Petition of W. T. Pebley and others;

Which was referred to the committee on the judiciary.

Mr. Patton: A bill to give jurisdiction to the chancery court of Marion county to authorize Charles H. Patton, trustee for Kate Moore, and guardian for Samuel Moore, to do certain things therein named;

Which was read twice and referred to the same committee.

Mr. Staton: Petition of J. J. Land and others;

Which was referred to the same committee.

Mr. McSpadden: A bill to amend section 1825 of the Code of Alabama;

Which was read twice and referred to the same committee.

Also, a bill to incorporate the Georgia and Alabama railroad company;

Which was read twice and referred to the committee on corporations.

Mr. Higgins: A bill to authorize John W. Wesson to erect dams across Wills' creek;

Which was read three times and passed.

Mr. McIntyre: Petition of J. F. Foster and others;

Which was read and referred to the committee on corporations.

Mr. Higgins: A bill to authorize W. W. Findley, of DeKalb county, to practice medicine;

Which was read twice and referred to the committee on propositions and grievances.

Mr. Bullock from the committee on the judiciary, reported favorably on the following bills:

To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named;

The House bill to prohibit the sale of intoxicating liquors within certain limits in Limestone county;

To authorize the issuance of executions from the chancery courts in certain cases;

House bill to regulate the pay of grand and petit jurors in certain counties, the pay of jurors in the probate courts of the State, and to provide for the prompt payment of such jurors;

Which bills were severally read a third time and passed.

Mr. Bullock, from the same committee, reported unfavorably upon the House bill to amend an act entitled an act to authorize the sale of personal property for distribution, approved Feb. 16, 1854; and to amend section 1768 of the Code.

The report was concurred in.

Mr. Jones, of Fayette, from the committee on enrolled bills, reported as correctly enrolled the bills:

To regulate amendments in chancery;

To authorize the judges of the circuit courts to preside in their own circuit, without interchanging with each other;

To place the widows of deceased persons on an equality with other distributees of their estates;

To regulate the fees for marriage license in Benton county;

To pay witnesses and costs in Lowndes and Montgomery counties in certain cases ;

To compel the Alabama and Florida railroad company to drain the ponds along the line of said road ;

To incorporate the Southern military academy ;

To amend an act entitled An act to amend section 2471 of the Code.

Mr. Burnett, from the same committee, reported as correctly enrolled the bills :

To incorporate the Columbiana insurance company ;

More effectually to punish the crime of incest ;

To provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 469 of the Code.

Mr. Calhoun, from the committee on the judiciary, reported unfavorably on the bill to amend section 3043 of the Code of Alabama.

The report was concurred in.

Mr. Bullock, from the same committee, reported favorably on the bill to incorporate the mechanics' aid association of Mobile.

The report was concurred in and the bill ordered to a third reading.

Also, favorably on the House bill "to prevent homicides."

The bill was ordered to a third reading.

Also, favorably to the bill (as amended by the House) "to amend section 2318 of the Code."

The amendment was adopted.

Also, from the same committee, to whom was referred the bill "for the relief of Martin Adams of Perry county," reported as a substitute therefor,

A bill for the relief of Martha Adams, of Perry county, and Olivia Brown, of Mobile county.

The substitute was adopted, and the bill read a third time and passed.

Mr. Staton, from the committee on accounts and claims, to whom was referred the petition of Brittan & DeWolf, reported the following bill and recommended its passage :

"A bill for the relief of Brittan & DeWolf."

The bill was read and ordered to a second reading.

Yeas 14, nays 7.

Yeas—Messrs. President, Bullock, Felder, Griffin, Higgins, Hill, Horn, Jones of Fayette, McIntyre, Patton, Rowe, Staton, Toulmin and Wood.

Nays—Messrs. Bynum, Calhoun, Jemison, Jones of Greene, McSpadden, Mitchell and Woodward.

Message from the House, by Mr. Brewer.

House of Representatives, Feb. 2, 1860.

Mr. President: The House has originated and passed bills of the following titles:

To enable the executor or executrix of the last will and testament of H. V. Wooten, deceased, to invest the accumulated funds of said estate in personal and real estate.

To incorporate the Mobile Magnolia Association, and to amend an act entitled "an act to authorize the construction of a plank or shell road along the Bay of Mobile," approved January 6, 1856, and January 20th, 1854.

For the relief of Sarah Tindel and other persons therein named.

To change the name of Mary E. McBryde to that of Mary F. Stanford.

For the relief of the estate of the late Mary Foster, of Mobile county.

To repeal section 436 of the Code of Alabama, so far as relates to the counties of Pike and Coffee.

Joint resolutions accepting the lands donated by Congress to the Elyton and Beard's Bluff railroad company.

Mr. Rowe, from the committee on accounts and claims, reported adversely to the petition of Needham Adams.

The report was concurred in.

Subsequently on motion of Mr. Jones, of Fayette, the vote concurring in the report was re-considered, and the consideration of the subject postponed until to-morrow, and placed among the regular orders.

Mr. Jones, of Fayette, from the committee on county boundaries, reported favorably to the "bill to change the boundary line between the counties of Monroe and Clarke."

The bill was read a third time and passed:

Yeas 23, nays none.

Yeas—Messrs. President, Bullock, Calhoun, Chilton, Felder, Fleming, Higgins, Hill, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Toulmin, Wood, Woodward.

Mr. Woodward, from the committee on roads, bridges and ferries, reported favorably to the House bills—

"To authorize John G. Wood, of the county of Dale, to erect gates across a certain public road therein named."

"To authorize William H. Neville, of Sumter county, to erect gates across a certain public road."

Which bills were severally read a third time and passed.



Mr. Jemison, from the committee on finance and taxation, reported a substitute, with the same title, to the bill "to make an appropriation to supply the Insane Hospital with furniture, and to prepare it for the reception and treatment of patients."

The substitute was adopted.

On motion of Mr. Mitchell, the further consideration of the bill was postponed until Tuesday next, and made the special order for 12 o'clock.

Mr. Jemison, from the same committee, reported a substitute for the bill, "to render available the two-fifths of stock reserved for the State in the several banks of this State."

The substitute was adopted, and referred to the committee on the judiciary, with instructions to inquire whether, under the provisions of the bill, there would be any liability to the State after the transfer of stock.

Also, to whom was referred the bills—

"To amend section 397 of the Code ;"

"To tax foreign lottery companies ;" and,

"To tax itinerant salesmen who sell by sample or pattern in this State, and to require them to take out license," reported that it was the unanimous opinion of the committee that the objects sought to be attained by each of the bills strongly commended themselves to the favorable consideration of the General Assembly ; yet, understanding the sense of the Senate, as expressed on a similar proposition on yesterday, to indicate that all measures touching the revenue, should, under the constitution, originate in the House of Representatives, they asked to be discharged from the further consideration of the subject.

The report was concurred in, and leave given to have the bills withdrawn, with a view to their introduction in the House of Representatives.

Also, reported a substitute for the bill "for the relief of the tax collector of Henry county."

The substitute was adopted, and the bill read a third time and passed.

Mr. Jones, of Greene, from the committee on internal improvements, to whom was referred the bills asking a part of the three per cent. fund to aid in the construction of the following roads, viz :

The Tennessee and Alabama Central Railroad Company ;

The Opelika and Oxford Railroad Company ;

The Selma and Gulf Railroad Company ;

The Gainesville and Tuscaloosa Railroad Company ;

The Alabama and Tennessee Rivers Railroad Company.

The North-East and South-West Alabama Railroad company;  
Reported as a substitute for the said bills—

“A bill to loan and appropriate the three per cent. fund and its interest.”

Mr. Wood moved that the bills and substitute be referred to the committee on the judiciary, with instructions to report whether there is any liability on the part of the State to pay interest or dividends on the three per cent. fund.

On motion of Mr. President, the further consideration of the subject was postponed until to-morrow 11 o'clock.

Mr. Bynum moved to adjourn until to-morrow morning 10 o'clock.

Mr. Jemison moved to adjourn until half past 3 o'clock.

The question was first taken on Mr. Bynum's motion, which was lost.

Yeas 8, nays 20.

Yeas—Messrs. Bullock, Burnett, Bynum, Fleming, Griffin, Higgins, Horn, Mitchell.

Nays—Messrs. President, Calhoun, Chilton, Cocke, Felder, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.

The question recurred on Mr. Jemison's motion to adjourn until half-past 3 o'clock; which was carried.

Yeas 19, nays 9.

Yeas—Messrs. President, Calhoun, Chilton, Cocke, Felder, Hill, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Bullock, Burnett, Bynum, Fleming, Griffin, Higgins, Horn, McSpadden, Mitchell.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Upon a call of the roll; the following Senators were present:

Messrs. President, Bullock, Burnett, Cocke, Felder, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Rowe, Staton, Walker, Wood and Woodward.

Mr. McSpadden, from the select committee, to whom was referred the joint resolutions to propose an amended or revised constitution for the State of Alabama, reported that, in consequence of the late day of the session of the General Assembly, it was inexpedient to pass them.

The report was concurred in.

Yeas 14, nays 5.

Yeas—Messrs. President, Burnett, Calhoun, Chilton, Felder, Horn, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Rowe, Staton and Wood.

Nays—Messrs. Fleming, Hill, Toulmin, Walker and Woodward.

The Senate proceeded to the consideration of the special order, it being,

Mr. Griffin's motion ordering to a third reading the bill "to provide for an efficient military organization for the State of Alabama."

The vote was reconsidered.

Yeas 10, nays 15.

Yeas—Messrs. President, Burnett, Felder, Fleming, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Bullock, Calhoun, Chilton, Cocke, Griffin, Horn, Jemison, McIntyre, Rowe, Woodward.

Whereupon, Mr. Jones of Greene, offered a substitute therefor, with the same title; and, on his motion, the further consideration of the bill and substitute was postponed until to-morrow half-past 10 o'clock, and made the special order for that hour.

On motion of Mr. Stone, the vote concurring in the report of the committee on finance on the bills—

To tax foreign lottery companies;

To amend section 397 of the Code;

To tax itinerant salesmen who sell by sample or pattern in this State, and to compel them to take out license, was reconsidered.

Mr. Rowe moved to adjourn until to-morrow morning, 10 o'clock; which was lost.

Yeas 15, nays 10.

Yeas—Messrs. President, Chilton, Cocke, Jemison, Jones of Greene, McIntyre, Rowe, Stone, Toulmin, Woodward.

Nays—Messrs. Bullock, Burnett, Calhoun, Felder, Fleming, Griffin, Hill, Horn, Jackson, Jones of Fayette, McSpadden, Mitchell, Patton, Walker, Wood.

Mr. Stone moved to lay the bills and the report of the committee on the table.

Mr. Jemison moved to refer the report to the committee on the judiciary, with instructions to report whether the Senate has the right to originate such bills as are mentioned in the report; which was carried.

Mr. Jemison moved to adjourn until to-morrow morning, 11 o'clock; which was carried.

Yeas 15, nays 11.

Yeas—Messrs. President, Calhoun, Chilton, Fleming, Griffin, Hill, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, Stone, Toulmin, Wood, Woodward.

Nays—Messrs. Bullock, Burnett, Cocke, Felder, McIntyre, McSpadden, Mitchell, Patton, Rowe, Walker.

FRIDAY, February 3, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Toulmin: a bill to incorporate the Mobile Turner Community; which was read twice and ordered to a third reading.

Mr. Felder: a bill to establish a ferry across the Alabama river at Montgomery; which was read twice and referred to the committee on roads, bridges, and ferries.

Mr. Chilton: a bill to authorize the process of garnishment to issue against the State in certain cases.

Mr. Bynum: a bill to legalize the late election of clerk of the circuit court of Winston county; which was read twice and referred to the committee on the judiciary.

Mr. Felder: a bill to incorporate the South and North Alabama manufacturing company; which was read and ordered to a second reading.

Mr. McSpadden: a bill for the relief of John J. Woodward, and to appoint solicitors; which was read three times forthwith and passed, and ordered to the House.

On motion of Mr. Higgins, the vote by which the bill to change the boundary line between the counties of Monroe and Clarke was passed, was reconsidered, and the bill placed among the general orders.

The hour of half past 10 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being the bill:

To provide for an efficient military organization for the State of Alabama.

The question being on the substitute offered by Mr. Jones of Greene.

Mr. Mitchell moved to amend by striking out the words "and jury duty," in the 4th section; which was lost.

Mr. Jones of Greene moved to amend by adding "street," after the word "road," in the 6th line of the same section; which was adopted.

Mr. Fleming moved to strike out the words "and accoutrements," in 12th line of same section; which was lost.

Mr. Jones of Greene moved to fill the blank in the 3d line

of section 9, with "one dollar, and five per cent. on his State tax;" which was adopted.

Also, to amend the 15th section by striking out the words "unless they should be," in the 3d line, and insert "except for the purpose of review and inspection, when;" which was adopted.

Also, to amend the 18th section by striking out "\$200,000," and inserting "\$100,000;" which was lost.

Yeas 10, nays 14.

Yeas—Messrs. President, Burnett, Felder, Higgins, Hill, Jones of Fayette, Jones of Greene, Patton, Staton, and Walker.

Nays—Messrs. Bullock, Calhoun, Chilton, Cocke, Fleming, Griffin, Horn, Jackson, Jemison, McIntyre, Rowe, Stone, Wood, and Woodward.

The substitute was adopted.

Yeas 15, nays 11.

Yeas—Messrs. President, Burnett, Felder, Higgins, Hill, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Patton, Staton, Stone, Toulmin, Walker, and Wood.

Nays—Messrs. Bullock, Calhoun, Chilton, Cocke, Fleming, Griffin, Horn, Jackson, Jemison, Rowe, and Woodward.

Mr. Burnett moved to reconsider the vote adopting the substitute; which was carried.

Yeas 18, nays 10.

Yeas—Messrs. Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cocke, Fleming, Griffin, Higgins, Horn, Jackson, Jemison, McIntyre, McSpadden, Patton, Rowe, Woodward.

Nays—Messrs. President, Felder, Hill, Jones of Greene, Mitchell, Staton, Stone, Toulmin, Walker, Wood.

Mr. Fleming moved to amend by substitute, and refer the bill and amendments to the joint military committee of the two Houses; which was carried.

On motion of Mr. Cocke, the vote just taken to refer was reconsidered; whereupon,

Mr. Bullock called for the previous question; which was sustained, and the bill ordered to a third reading.

Yeas 15, nays 13.

Yeas—Messrs. Brewer, Bullock, Burnett, Calhoun, Chilton, Cocke, Felder, Griffin, Horn, Jackson, Jemison, McIntyre, Rowe, Stone, Woodward.

Nays—Messrs. President, Bynum, Fleming, Higgins, Hill, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Wood.

The next special order being the bill:

To loan and appropriate the three per cent. fund and its interest.

The question was on Mr. Wood's motion to refer the bill to the committee on the judiciary, with instructions.

Pending the discussion of which, Mr. Walker having the floor,

Mr. Chilton moved to adjourn until to-morrow morning, 10 o'clock.

Mr. Cocke moved to adjourn until half past 3 this afternoon.

Mr. Bynum, till half past nine to-morrow.

Mr. McSpadden, till nine o'clock to-morrow.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 3.

Mr. President: The House has originated and passed bills of the following titles:

To regulate the pay of jurors in cases of change of venue;

To incorporate the Clayton female college, in Barbour county;

To authorize the probate courts to grant an order to lease lands in certain cases;

To provide for the more effectual collection of the city taxes in the city of Mobile, and for other purposes;

To better regulate proceedings in the probate courts, and for other purposes;

For the relief of the children of John Stewart and Rose Stewart;

To authorize Lewis Witherspoon, a free negro, to become a slave, and for other purposes;

To amend the law in relation to the removal of the estate of minors.

The question was put on Mr. Chilton's motion to adjourn; which was carried.

Yeas 24, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Chilton, Cocke, Felder, Fleming, Griffin, Higgins, Hill, Horn, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Staton, Stone, Walker, Wood, Woodward.

Nays—Messrs. Calhoun, Jones of Fayette, Rowe, Toulmin.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, February 4, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts, the following bills were introduced:

Mr. Higgins: a bill to legalize the establishment of Beat No.

19, in the county of DeKalb; which was read three times forthwith and passed.

Mr. Bullock; a bill to encourage the manufacture of fire-arms in this State; which was read twice and referred to the committee on the military.

Mr. Jemison: a bill to authorize the city of Tuscaloosa to subscribe to the capital stock of the North-East and South-West Alabama railroad company; which was read three times forthwith and passed.

Message from the Governor by his Private Secretary, Mr. Phelan:

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles:

To incorporate the Columbiana Insurance company;

To authorize the judges of the circuit courts to preside in their own counties, without interchanging with each other;

More effectually to punish the crime of incest;

To provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 469 of the Code;

To place the widows of deceased persons upon an equality with other distributees of their estates;

To incorporate the Coffee Rifles, in Coffee county;

To incorporate the Columbia True Blues, in Henry county;

To amend an act entitled an act to amend section 2471 of the Code;

To regulate amendments in chancery;

To incorporate the Southern military academy;

To pay witnesses and costs in Lowndes and Montgomery counties in certain cases;

To repeal an act to regulate the fees for marriage license in Benton county;

To compel the Alabama and Florida railroad company to drain the ponds along the line of said road.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 4.

Mr. President: The following bill originated in and passed the House:

To authorize the issuance of a patent to Eli S. Thornton, for 16th section lands in Choctaw county.

Mr. Jones of Greene, from the committee on internal im-

provements, reported favorably, with the following amendments to the "Bill to incorporate the Bank of Alabama, and for other purposes:"

Amendment 1. At the end of section 17, add the following words: "*Provided, further, That the payment of said bonds shall not be deferred longer than five years from the passage of this act.*"

2. Strike out in the 3d line of the second rule, the word "fourth," and insert the word "third," in lieu thereof.

On motion of Mr. Chilton, the further consideration of the report was suspended for the purpose of considering the

Bill to provide for an efficient military organization for the State of Alabama.

The question being on the passage of the bill, it was lost.

Yeas 13, nays 13.

Yeas—Messrs. Brewer, Bullock, Calhoun, Chilton, Cocke, Felder, Griffin, Horn, Jackson, Jemison, McIntyre, Stone, Woodward.

Nays—Messrs. President, Bynum, Fleming, Higgins, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Wood.

Mr. Jones of Greene, moved to reconsider the vote just taken, which was carried.

Yeas 23, nays 4.

Yeas—Messrs. Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cocke, Fleming, Griffin, Higgins, Hill, Horn, Jackson, Jemison, Jones of Greene, McIntyre, McSpadden, Patton, Stone, Toulmin, Walker, Wood, Woodward.

Yeas—Messrs. President, Felder, Jones of Fayette, Mitchell.

The question again recurred on the passage of the bill, and it passed.

Yeas 14, nays 13.

Yeas—Messrs. Brewer, Bullock, Burnett, Calhoun, Chilton, Cocke, Felder, Griffin, Horn, Jackson, Jemison, McIntyre, Stone, Woodward.

Nays—Messrs. President, Bynum, Fleming, Higgins, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Wood.

The bill was ordered forthwith to the House.

Mr. Jackson, from the committee on enrolled bills, reported as correctly enrolled the bill

To amend section 2318 of the Code of Alabama.

The act approved Feb. 8, 1858, entitled an act to compel the personal attendance of witnesses in certain cases.

The hour of 11 o'clock having arrived, the senate proceeded



to the consideration of the special order, it being the bill to loan and appropriate the three per cent. fund and its interest.

Pending the discussion of which, Mr. Patton having the floor:

The Senate adjourned until Monday morning 10 o'clock.

MONDAY, Feb. 6, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Fleming, the call of the districts was suspended for the purpose of considering the bill from the House

To incorporate the Huntsville and Big Cove turnpike company.

The bill was read twice.

Mr. Jemison moved to amend by striking out the last section.

Mr. Bynum moved to refer the bill to the committee on corporations, which was carried.

Upon a call of the districts, the following bills were introduced:

Mr. McIntyre: a bill for the relief of Malcey, daughter of James L. C. Floyd of Pike county, which was read twice and referred to the committee on the judiciary.

Also, a bill to amend the revised school law in respect of distribution to townships divided by county lines, which was read twice and referred to the committee on education.

Mr. Brewer: a bill (accompanied with a petition,) to amend the charter of the city of Wetumpka, which was read twice and referred to the committee on corporations.

Mr. Patton: the petition of Addison White, of Madison county, which was referred to the same committee.

On motion of Mr. Bynum, the reports from committees and the special orders were suspended for the purposes of considering the general orders.

The House bills:

To amend the charter of the Mobile marine dock and mutual insurance company;

To incorporate the Mobile Hebrew relief association;

To incorporate the Mobile Magnolia association, and to amend an act entitled an act to authorize the construction of a plank or shell road along the bay of Mobile, approved Feb. 20, 1854, and the amendments thereof, approved Jan. 6, 1856, and Jan. 20, 1854;

Were severally read twice and referred to the committee on corporations.

The House bill to authorize the Governor to issue a patent to Eli S. Thornton for 16th section lands in Choctaw county,

was read twice and referred to the committee on sixteenth sections.

The house bill :

To authorize Lewis Witherspoon, a free negro, to become a slave, and for other purposes, was read three times and passed. The caption was so amended as to read, to authorize Lewis Witherspoon and Cora, free negroes, to become slaves.

The House bill :

To repeal section 436 of the Code of Alabama, so far as it relates to the counties of Pike and Coffee, was read twice and referred to the committee on finance and taxation.

The House bills :

To repeal in part an act therein named, so far as it relates to Marshall county ;

For the relief of John Lamberth, tax collector of Tallapoosa county ;

To enable the executor or executrix of the last will and testament of H. V. Wooten, deceased, to invest the accumulated funds of said estate in personal and real estate ;

To change the name of Mary F. McBryde to that of Mary F. Stanford ;

To authorize William E. Gilbert and his associates to build a dam across the Tallapoosa river, in Randolph county, for manufacturing purposes ;

Were severally read and ordered to a second reading.

The House bills :

To re-enact an act, &c. ;

To authorize the owners of steam grist mills in the county of Jackson, to take the sixth as toll for grinding ;

To amend an act therein named, in regard to the court of county commissioners, of Limestone county ;

To incorporate the Bienville hotel company of Mobile ;

Were severally read twice and ordered to a third reading.

Message from the House, by Mr. Brewer.

House of Representatives, Feb. 6.

Mr. President: The House has passed the following Senate bills :

To amend the charter of the city of Montgomery ;

To amend an act entitled an act to incorporate the city of Eufaula ;

To amend the charter of Lagrange college ;

To amend the charter of the North Alabama telegraph company ;

To amend and revive an act incorporating the town of Opelika, approved Feb. 9, 1854;

To incorporate the Tuscaloosa female college;

To amend the charter of the East Alabama male college, at Auburn;

To incorporate the Opelika male academy;

To regulate sheriff's and coroner's sales in the county of Shelby;

To amend an act to establish a medical board in the county of Cherokee;

To give the commissioners' court of Perry county authority to relieve L. Y. Tarrant;

To incorporate the Centreville male and female academy, in the county of Coffee;

To authorize the Savannah, Griffin and North Alabama railroad company of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee rivers railroad, between the town of Talladega, in Talladega county, and the town of Jacksonville, in the county of Calhoun;

To authorize the Georgia Western railroad company to construct their railroad from the Georgia line through the county of Calhoun, to the town of Oxford or Jacksonville, on the Alabama and Tennessee rivers railroad;

To amend the charter of the Selma and Gulf railroad company.

The House has amended, as therein shown, and passed the Senate bills:

To amend the charter of the Eastern Bank of Alabama;

To amend an act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, and the privilege of constructing a bridge across the Tennessee river in said county, approved Jan. 21, 1850;

To incorporate the town of Montevallo;

To incorporate the Alabama Baptist State Convention;

To establish a board of botanic physicians in the county of Blount.

The House has originated and passed bills with the following titles:

To repeal an act therein named, so far as it relates to Marshall county;

For the relief of John Lamberth, tax collector of Tallapoosa county;

To repeal an act therein named, in reference to apportioners in Walker county;

To establish the Coosa county medical board ;

To more effectually secure subordination among slaves in the county of Shelby by requiring the owner or owners, or white agent to reside with them ;

To amend an act to charter the Alabama insurance company, approved Feb. 8, 1858 ;

To prohibit the sale of spirituous or intoxicating liquors within one mile of Perryville Female Academy, in Perry county ;

To prevent the sale of spirituous liquors within one mile of Elliottsville, in Shelby county ;

To settle the term of office of the treasurer of Marshall county.

The House bills :

To authorize John Holley, of Covington county, to establish a bridge or ferry in said county ;

To authorize justices of the peace to appoint apportioners of roads in Pickens county, and for other purposes ;

To repeal an act therein named ;

Were severally read twice and referred to the committee on roads, bridges and ferries.

The House bill to incorporate the Troy railroad company was read twice.

Mr. McIntyre moved to amend as follows :

SEC. 8. *Be it further enacted*, That the corporation hereby created shall have all the privileges and be subjected to all the restrictions and limitations in respect of the the right of way for their railroad, conferred and imposed by existing laws upon the Girard and Mobile railroad.

The bill as amended was referred to the committee on internal improvements.

The bill to authorize the court of county commissioners of the county of Franklin to make appropriation for the relief of certain persons therein named, was read twice.

Mr. Brewer moved to amend as follows :

SEC. 2. *Be it further enacted*, That the like powers be, and they are hereby conferred upon the commissioners' court of Coosa county, for the relief of James Hilliar, of said county.

The amendment was adopted and the bill read a third time and passed.

The caption was amended so as to read "counties of Franklin and Coosa."

The House bills :

To repeal an act therein named, in reference to apportioners in Walker county ;

To incorporate the Clayton female college, in Barbour county;

To allow the commissioners' court of roads and revenue of Perry county to build a bridge across Cahaba river in said county;

For the relief of Sarah Tindel and other persons therein named;

To compensate bailiffs in Walker county;

To amend the charter of the Montgomery gas light company;

To establish a certain ferry therein named in the county of Washington;

To regulate the time of holding the chancery courts in the county of Barbour;

To incorporate the Plantersville Institute, in Talladega county;

To incorporate Spring Hill male and female academy, in Pike county;

In relation to the fees of justices and constables in beats 4 and 5 in the city of Montgomery;

To incorporate the hook and ladder company in the city of Eufaula;

To amend the laws relative to the Mobile Savings Company;

To authorize the completion of the final records of the circuit court of the county of Marengo;

For the relief of Mary A. Hammock;

For the relief of Herbert C. Childress and others;

For the relief of Thomas M. Hill and others, of Sumter county;

To incorporate the Indian Creek male and female academy, in Pike county;

To appoint commissioners to examine and report the condition of the public offices in Marion county; and

Joint resolutions accepting the lands donated by Congress to the Elyton and Beard's Bluff railroad company;

Were severally read a first, second and third times and passed.

The House bills:

To amend the law in relation to the removal of the estates of minors;

For the relief of the children of John Stewart and Rose Stewart;

To provide for the more effectual collection of the city taxes in the city of Mobile, and for other purposes;

To authorize the probate court to grant an order to lease lands in certain cases;

To regulate the pay of jurors in cases of change of venue;

The better to regulate proceedings in the probate courts, and for other purposes;

For the relief of the estate of the late Mary Foster, of Mobile county;

To provide for the holding of coroner's inquests by justices of the peace in certain cases;

To amend section 1413 of the Code of Alabama, and to allow the defendants in certain cases to prove off-sets;

To change the law relative to the opening of depositions;

To enable Ned Adkins, a free man of color, to become a slave;

To authorize the removal of the administration of the estate of Alexander M. Creagh, deceased, from the county of Wilcox to the county of Mobile;

To amend the criminal laws of this State;

To regulate the taking of affidavits in aid of judicial proceedings;

To authorize the Governor to issue a patent to Thomas Walker, of Dallas county, for certain school lands therein mentioned;

To repeal a certain act therein named regulating the registration of claims in the county of DeKalb;

To regulate the jurisdiction and fees of justices of the peace in the city of Mobile;

To authorize the executrix of William Robinson, also the administrators of Robert Coles, to keep together the estates of their respective decedents; and for other purposes;

To repeal the act of February 14th, 1856; session acts, page 301, in relation to the rights and liabilities of stockholders in railroad and other companies, etc.;

To allow the probate judge of Pike county to take jurisdiction of the estate of William McCullough, deceased, of Montgomery county;

To compensate surgeons and physicians for attending coroners' inquests;

To authorize the coroners of the State to appoint bailiffs;

For the benefit of insolvent white persons confined in jail in any county in this State;

To enable Nicholas Davis, trustee, to change the investment of trust funds;

To enable M. M. George to remove her infant ward, A. Ellerbe English, beyond the limits of this State;

To authorize the probate judge of Madison county to act as guardian in a certain case;

To amend section 2138 of the Code, so as to allow the State to be sued in chancery;

To prohibit the sale of spirituous or vinous liquors at or within one mile of the town of Centre, in Cherokee county;

To protect females from insult or injury at public assemblages;

To amend the law in regard to security for costs in certain cases;

To repeal sections 1991 and 1992 of the Code, and for other purposes;

To amend section 3133 of the Code;

To amend section 775 of the Code;

To amend section 2235 of the Code;

To give the intendant of Orion justices' jurisdiction, and for other purposes;

For the relief of the estate of Gray Little;

To amend section 2005 of the Code;

Were severally read twice and referred to the committee on the judiciary.

The Senate concurred in the amendment made by the House to the bill

To amend the charter of the Eastern Bank of Alabama.

Yeas 19, nays 7.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Fleming, Griffin, Horn, Jackson, Jemison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Patton, Staton, Walker, Wood.

Nays—Messrs. President, Calhoun, Hill, Jones of Greene, Stone, Toulmin, Woodward.

The Senate also concurred in the amendments made by the House to the following bills:

Amendatory to an act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved Feb. 2, 1858;

To authorize the commissioners of Mobile county to elect an inspector of sawed lumber, square timber, etc., for said county;

For the more effectual protection of the estates of intemperate persons;

To amend an act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, and the privilege of constructing a bridge across Tennessee river in said county, approved Feb. 21, 1850.

To incorporate the town of Montevallo.

The Senate refused to concur in the amendment made by the House to the bill—

To incorporate the Alabama Baptist State convention.

Yeas 8, nays 15.

Yeas—Messrs. Bullock, Burnett, Calhoun, Felder, Fleming, McSpadden, Walker, Wood.

Nays—Messrs. President, Brewer, Chilton, Cocke, Griffin, Hill, Horn, Jackson, Jemison, Jones of Greene, McIntyre, Mitchell, Patton, Stone, Woodward.

Mr. Jemison presented to the Senate a copy of the report of the trustees of the Insane Hospital to the Governor, as also the report of the House committee to the House of Representatives on the subject of the Insane Hospital.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following:

To amend the charter of the city of Montgomery;

To amend the charter of the East Alabama Male College at Auburn;

To amend the charter of LaGrange college;

To amend an act entitled "an act to incorporate the city of Eufaula.

By leave, the following bills were introduced:

Mr. Horn: A bill (accompanied with a petition) to amend an act to incorporate the Bellville Male and Female Academy, and for other purposes; which was read twice and referred to the committee on education.

Mr. Felder: A bill to increase the pay of jurors in Montgomery county; which was read three times forthwith and passed.

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, Feb. 7, 1860.

The Senate met pursuant to adjournment.

Upon a call of the districts the following bills were introduced:

Mr. Bullock: A bill to repeal in part an act therein named; which was read twice and referred to the committee on finance and taxation.

Mr. Felder: A bill to appropriate a portion of the two per cent. fund; which was read twice and referred to the committee on internal improvements.

Mr. Woodward: A bill to declare Bassett's creek, in the county of Washington, a public highway; which was read twice and referred to the committee on roads, Bridges and ferries;

Also, a bill to prevent retailing spirituous liquors by a slave;



which was read twice and referred to the committee on the judiciary.

Mr. Jones, of Greene: A bill to fix the times of holding the circuit courts for the seventh judicial circuit; which was read three several times forthwith and passd.

Ordered forthwith to the House.

Mr. Heflin: An account of William Owens; which was referred to the committee on accounts and claims.

Mr. Brewer moved to suspend the reports of committees and special orders, and go into the general orders; which was lost.

Message from the House by Mr. Brewer.

Mr. President: The House has originated and passed bills:

To incorporate Wellborn Academy, in Russell county;

For the relief of Isaac Franks and Tyrece Franks, of Marion county;

To amend the charter of the Selma Lime company;

To amend the act incorporating the male and female academies at Glennville, Barbour county;

To renew and amend the charter of the Merchants' Insurance company of the city of Mobile;

To authorize Dennis Springer to construct a turnpike across Sipsey river;

In relation to the hunting of wild hogs in the county of Butler and other counties;

To incorporate the Fairmount Baptist Church, in Covington county;

To define the liabilities of the Mobile and Ohio railroad company;

To invest a portion of the two per cent. fund;

To incorporate New China Grove, in the county of Pike;

To prohibit the sale of intoxicating liquors within the distance of three miles of Robinson Springs, and for other purposes;

To incorporate the town of Pikeville, in Marion county;

To amend the charter of the North-East, and South-West railroad company;

To authorize railroads to execute mortgages, deeds of trust and other securities, &c.;

To incorporate the Lauderdale Manufacturing company;

To incorporate the Livingston Insurance company;

To incorporate the Montgomery and Selma railroad company;

To amend an act to incorporate the town of Huntsville, approved January 16th, 1844;

To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named;

To extend and define the corporate limits of the city of Selma;

To incorporate the Huntsville Gas company;

For the incorporation of Six Mile Town;

To incorporate the Perote male and female high school;

The House of Representatives has adopted a substitute for the bill from the Senate "to provide for a digest of the statute laws of the State of Alabama," has passed the bill as amended, and asks the concurrence of the Senate therein.

Mr. Jones, of Fayette, from the committee on enrolled bills, reported as correctly enrolled—

An act to regulate sheriff's and coroner's sales in the county of Shelby.

An act to amend an act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, &c.

An act to amend and revive an act incorporating the town of Opelika, approved February 9th, 1854.

To authorize the Savannah, Griffin and North Alabama railroad company of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee Rivers railroad, between the town of Talladega, in the county of Talladega, and the town of Jacksonville, in the county of Calhoun.

To amend the charter of the North Alabama Telegraph company.

To incorporate the Opelika male academy.

For the more effectual protection of the estate of intemperate persons.

To amend the charter of the Selma and Gulf railroad company.

To amend an act to establish a medical board in the county of Cherokee.

To incorporate the Centerville male and female academy, in the county of Coffee.

To authorize the Georgia Western railroad company, to construct their railroad from the Georgia line through the county of Calhoun to the town of Oxford, or Jacksonville, on the Alabama and Tennessee Rivers railroad.

To give to the commissioners' court of Perry county power to relieve L. Y. Tarrant.

To authorize the commissioners of Mobile county to elect an inspector of sawed lumber, square timber, &c., for said county.

To amend the charter of the Eastern Bank of Alabama.

To incorporate the town of Montevallo.

Amendatory to an act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved February 2, 1858.

The Senate proceeded to the consideration of the report of the committee on the House bill—

To incorporate the Bank of the State of Alabama, and for other purposes.

The question being on the amendment made by the committee.

Mr. Jemison moved to postpone the further consideration of the bill and report until Thursday next, and make it the special order, which was lost.

Yeas 10, nays 17.

Yeas—Messrs. Bullock, Calhoun, Hill, Jemison, Jones of Fayette, McIntyre, Patton, Stone, Wood, and Woodward.

Nays—Messrs. President, Brewer, Burnett, Bynum, Chilton, Cocke, Felder, Fleming, Griffin, Heflin, Higgins, Horn, Jackson, Mitchell, Staton, Toulmin, Walker.

A division of the question being called for, the Senate proceeded to consider the first amendment.

Mr. Patton moved to amend the amendment as follows:

“Provided further, That said bonds shall be immediately payable upon all stock which may be taken in said bank, without taking a like amount of stock in said railroad company, as provided for by this act.”

The amendment was adopted, and the amendment as amended was adopted.

Mr. Burnett moved to lay the second amendment on the table, which was lost.

Yeas 8, nays 20.

Yeas—Messrs. Brewer, Bullock, Burnett, Cocke, Jackson, McSpadden, Staton, Walker.

Nays—Messrs. President, Bynum, Calhoun, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Patton, Stone, Toulmin, Wood, Woodward.

Mr. Cocke moved to amend the second amendment as follows:

“Provided, That if said bank shall go into operation, with the railroad attachment, said bank may, to the extent of the stock it owns in the railroad, keep in circulation their notes to the amount of not more than four dollars for every one dollar they have in specie.”

Mr. Jones of Greene, moved to lay Mr. Cocke's amendment on the table, which was carried.

Yeas 14, nays 13.

Yeas—Messrs. President Calhoun, Fleming, Griffin, Higgins, Hill, Jemison, Jones of Fayette, Jones of Greene, Patton, Stone, Toulmin, Wood, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Bynum, Chilton, Cocke, Felder, Heflin, Jackson, McIntyre, McSpadden, Mitchell, Staton.

The second amendment was adopted.

Yeas 20, nays 8.

Yeas—Messrs. President, Bynum, Calhoun, Chilton, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, Mitchell, Patton, Stone, Toulmin, Wood, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Cocke, Jackson, McIntyre, McSpadden, Staton.

Mr. Calhoun moved to amend the 7th section by striking out 1890 and inserting 1880.

On motion of Mr. Bynum, the amendment was laid on the table.

Mr. Jemison moved to adjourn until half past three o'clock this afternoon.

Mr. Bullock, until 10 o'clock to-morrow.

Mr. Griffin, until half past 10 o'clock to-morrow.

The question first being put on Mr. Griffin's motion, it was lost.

The Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Feb. 8, 1860.

The Senate met pursuant to adjournment.

The following bills were introduced:

Mr. Stone: a bill to amend the patrol law of Pickens county;

Mr. Woodward: a bill to define and establish the boundary line between the counties of Mobile and Washington;

Mr. Chilton: a bill to incorporate the Aberfoil academy, in Macon county.

Mr. McSpadden: a bill to amend the attachment law in this State.

All of which were severally read three times and passed.

Mr. Hill: a bill to protect guardians, which was read twice, and referred to the committee on the judiciary.

Mr. Jemison: a bill to incorporate the Tuscaloosa insurance company, which was read twice.

Mr. Cocke moved to amend as follows:

Provided, That this company shall not be allowed to deal in or loan out any bank bills other than those issued by banks in the State of Alabama, which was adopted, and the bill read a third time and passed.

Mr. Jemison presented the memorial of certain citizens of Alabama, which was referred to the committee on finance and taxation.

Mr. Toulmin: a bill to improve the navigation of the Alabama river, which was read twice and referred to the committee on internal improvements.

Mr. Chilton, from the committee on the judiciary, reported favorably to the bill for the relief of the legatees of Marcus A. Flournoy.

The bill was read a third time and passed.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the bill

To incorporate the Pickensville branch of the Mobile and Ohio railroad company.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 8.

Mr. President: The House concurs in the Senate's amendments to the bills

For the relief of Reece Price, late of Marengo county;

To authorize the courts of county commissioners of the counties of Franklin and Coosa, to make appropriations for the relief of certain persons therein named;

To authorize Lewis Witherspoon and Cora, free negroes, to become slaves.

The House refuses to concur in the Senate's amendment to the House bill

To reorganize and fix the times of holding the courts of chancery in the middle chancery division, and asks for a committee of conference on the same.

The House has passed the Senate bills

To authorize the city of Tuscaloosa to subscribe to the capital stock of the North-East and South-West Alabama railroad company;

For the relief of John J. Woodward, and to appoint solicitors;

To make valid in law certain proceedings by the qualified voters in the city of Tuscaloosa, therein named;

For the relief of the tax collector of Henry county;

To amend the charter of the town of Cahaba;

To authorize J. W. Wesson and Elisha King, and also John W. Wesson, to erect dams across Big Will's creek;

To repeal and amend the road laws so far as they are applicable to certain townships east of the Tombcbee river, and lying in Marengo county ;

To amend the charter of the town of Rogersville, in Lauderdale county.

The House has amended and passed the Senate bills

To increase the pay of jurors in the county of Montgomery ;

Authorizing the qualified voters of each county to elect a tax assessor for the term of two years.

The House insists on its amendment to the Senate bill to incorporate the Alabama Baptist State Convention, and asks for a committee of conference on the same.

The House recedes from its first amendment to the Senate bill to exempt certain property from levy and sale.

The House recedes from its second amendment, and insists upon its first amendment to the Senate bill to prevent the game of keno, and other games.

The House has originated and passed the following bills :

To regulate the tolls of the Monte Sano turnpike company ;

To authorize the issue of letters testamentary without bond in a certain case therein named ;

To regulate the sale of spirituous liquors in and near the town of Villula ;

To give the judge of probate of Pike county, jurisdiction of the estate of William B. Kyle, late of Montgomery county.

Message from the Governor, by Mr. Phelan, his Private Secretary.

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles :

An act to amend section 2318 of the Code of Alabama, and the act approved Feb. 8, 1858, entitled an act to compel the personal attendance of witnesses in civil cases ;

An act to amend the charter of the city of Montgomery ;

An act to incorporate the Tuscaloosa female college ;

An act to amend the charter of the East Alabama male college, at Auburn ;

An act to amend an act entitled an act to incorporate the city of Eufaula ;

An act to amend the charter of Lagrange college ;

An act to revive an act incorporating the town of Opelika, approved Feb. 9, 1854 ;

An act to amend the charter of the North Alabama telegraph company ;

An act to incorporate the Opelika male academy ;

An act for the more effectual protection of the estates of intemperate persons;

An act to amend the charter of the Selma and Gulf railroad company;

An act to amend an act to establish a medical board in the county of Cherokee;

An act to incorporate the Centerville male and female academy, in the county of Coffee;

An act to regulate sheriffs' and constables' sales in the county of Shelby;

An act to incorporate the town of Montevallo;

An act to amend the charter of the Eastern Bank of Alabama;

An act to authorize the commissioners of Mobile county to elect an inspector of sawed lumber, square timber, &c., for said county;

An act to give the commissioners' court of Perry county, authority to relieve S. Y. Tarrant;

An act amendatory to an act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved Feb. 2d, 1858;

An act to amend an act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county; and the privilege of constructing a bridge across Tennessee rivers, in said county, approved Feb. 4th, 1850;

An act to authorize the Georgia Western railroad company to construct their railroad from the Georgia line through the county of Calhoun to the town of Oxford or Jacksonville, on the Alabama and Tennessee rivers railroad;

An act to authorize the Savannah, Griffin and North Alabama railroad company of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee river railroad, between the town of Talladega, in the county of Talladega, and the town of Jacksonville, in the county of Calhoun.

Message from the House by Mr. Brewer.

House of Representatives, Feb. 8, 1860.

Mr. President: The House has originated and passed bills of the following titles:

To amend the charter of the city of Selma;

To charter the planters' and merchants' insurance company, of Selma;

To revive and amend the charter of the Western Railroad of Alabama.

The Senate proceeded to the consideration of the report of the committee on the bill to incorporate the Bank of the State of Alabama, and for other purposes.

Mr. Jemison offered the following amendment:

SEC. 30. And be it further enacted, That if said bank shall not go into operation within one year after the passage of this act, then, and in that case, the capital stock of the bank shall be reduced to five hundred thousand dollars, three-fifths of which may be subscribed for by individuals, and two-fifths shall be reserved to the State; and the said bank shall be located in Tuscaloosa.

SEC. 31. And be it further enacted, That books for subscription to the capital stock of said bank shall be opened in the city of Tuscaloosa under the sanction and management of nine commissioners appointed by the Governor, who shall, as to notice and the other duties prescribed to commissioners for opening books of subscription, be governed by the foregoing provisions of this act, so far as applicable to the reduction of capital and change of location, provided for in the preceding section of this act.

SEC. 32. And be it further enacted, That whenever the sum of two hundred thousand dollars shall be subscribed to the capital stock of said bank, and one-half the amount subscribed actually paid, in gold and silver in good faith, the said bank may elect its officers and commence the business of banking under the provisions of this act, which shall in all its provisions be so construed as to further the objects of this and the two preceding sections: Provided, however, That if the sum of five hundred thousand dollars be not subscribed to the stock of the said bank at Mobile, and a like sum to the said Alabama Central Railroad, within the said period of twelve months, then and in that event all the subscriptions to the stock of either said bank or said railroad then made shall be null and of no effect, and the proceedings to organize the bank aforesaid at Tuscaloosa, shall proceed as if no such subscriptions had been made."

Mr. Felder called the previous question, and the question being, shall the main question be now put? it was lost.

Yeas 6, nays 22.

Yeas—Messrs. President, Chilton, Felder, Staton, Toulmin, Walker.

Nays—Messrs. Brewer, Bullock, Burnett, Bynum, Calhoun, Cocke, Fleming, Heflin, Higgins, Hill, Horn, Jackson, Jemison,



Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Stone, Wood, Woodward.

The question being on Mr. Jemison's amendment,  
On motion of Mr. Burnett, it was laid on the table.

Yeas 16, nays 11.

Yeas—Messrs. President, Brewer, Burnett, Bynum, Calhoun, Chilton, Felder, Heflin, Higgins, Hill, McIntyre, McSpadden, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Bullock, Cocke, Griffin, Horn, Jackson, Jemison, Jones of Fayette, Mitchell, Patton, Stone, Wood.

Mr. Jones, of Greene, offered the following amendment:

In section 1, after the word "company," in the 10th line, insert the words: "the northern terminus of which road is hereby fixed at such point as may be selected and fixed as the southern terminus of the Tennessee and Alabama Central Railroad, at or near Montevallo, in Shelby county."

On motion of Mr. Mitchell, the amendment was laid on the table.

Yeas 17, nays 12.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Fleming, Heflin, Higgins, Hill, Horn, Jackson, McIntyre, McSpadden, Mitchell, Toulmin, Walker.

Nays—Messrs. President, Bynum, Calhoun, Griffin, Jemison, Jones of Fayette, Jones of Greene, Patton, Staton, Stone, Wood, Woodward.

Mr. Jemison moved to adjourn till half-past 3 o'clock this afternoon.

Mr. Bullock moved to adjourn till 10 o'clock to-morrow.

The question first being taken on Mr. Bullock's motion, which was lost.

Yeas 13, nays 16.

Yeas—Messrs. President, Bullock, Burnett, Bynum, Cocke, Griffin, Higgins, Horn, Jackson, Jemison, McIntyre, Stone, Wood.

Nays—Messrs. Brewer, Calhoun, Chilton, Felder, Fleming, Heflin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward.

Mr. Cocke moved to postpone the consideration of the bill until to-morrow and make it the special order for half-past ten o'clock, which was lost.

The question was then taken on Mr. Jemison's motion to adjourn until half-past three o'clock this afternoon; which was lost.

Yeas 11, nays 17.

Yeas—Messrs. Brewer, Calhoun, Heflin, Hill, Jones of Fay-

ette, McSpadden, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. President, Bullock, Burnett, Bynum, Chilton, Cocke, Felder, Fleming, Griffin, Higgins, Horn, Jackson, Jones of Greene, McIntyre, Mitchell, Stone, Wood.

After fifteen minutes had elapsed, Mr. Wood moved to adjourn until 10 o'clock to-morrow, which was lost.

Yeas 11, nays 18.

Yeas—Messrs. Calhoun, Griffin, Higgins, Horn, Jemison, Jones of Fayette, Mitchell, Patton, Stone, Wood, Woodward.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cocke, Felder, Fleming, Heflin, Hill, Jackson, Jones of Greene, McIntyre, McSpadden, Staton, Toulmin, Walker.

The bill was ordered to a third reading.

Yeas 23, nays 5.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cocke, Felder, Fleming, Heflin, Higgins, Hill, Horn, Jackson, Jemison, Jones of Greene, McIntyre, Mitchell, Staton, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Calhoun, Griffin, Jones of Fayette, Patton, Stone.

The Senate then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Feb. 9, 1860.

The Senate met pursuant to adjournment.

The following bills were introduced :

Mr. Calhoun: To authorize the corporation of Selma to appoint port-wardens and inspectors;

Mr. Patton: To authorize the Governor to issue a patent to the heirs of Terry Bradley, deceased, of Lauderdale county, for certain lands therein described;

Which were severally read three times and passed.

Mr. Brewer presented a petition, which was referred to the committee on corporations.

Mr. Chilton: A bill to loan and appropriate a portion of the two per cent. fund;

Which was read twice and referred to the committee on internal improvements.

Mr. Felder: A bill for the relief Robert S. Wilson;

Which was read twice and referred to the committee on propositions and grievances.

By leave,

Mr. Walker, from the committee on internal improvements,

reported favorably to the bill to incorporate the Huntsville and Big Cove Turnpike company.

The bill was read a third time, passed, and ordered forthwith to the House.

Mr. Jones, of Greene, from the same committee, reported a substitute for the bill to loan a part of the three per cent. fund to the Uniontown and Jackson Railroad Company.

The substitute was adopted.

Mr. Calhoun moved to amend as follows:

Sec. 4. Be it further enacted, That there shall be loaned to the Cahaba, Marion and Greensboro railroad company, out of the first interest accruing on the said loan to the Tennessee and Coosa railroad company, the sum of forty thousand dollars, upon the same terms, conditions and restrictions as provided in relation to the loans to the other railroad companies named in this act.

The amendment was adopted.

Also, to amend the first section by inserting after the word "act" in the 7th line, the words, "and shall have been paid," which was adopted.

The bill was ordered to a third reading.

The hour of half past 10 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being the bill to amend the free public school law of the State of Alabama, approved Feb. 14, 1856.

On motion of Mr. Jones of Greene, the further consideration of the bill was postponed until to-morrow 12 o'clock.

Message from the House, by Mr. Brewer.

House of Representatives, Feb. 9.

Mr. President: The House has appointed Messrs. Hale, Irby, and Tate of Macon, as the committee of conference on the part of the House, to confer with a like committee on the part of the Senate, upon the amendment to the Senate bill to incorporate the Alabama Baptist State Convention, and the House bill to reorganize and fix the times of holding the chancery courts in the middle chancery division.

Messrs. Chilton, Calhoun and Patton were appointed as a committee of conference on the part of the Senate.

Mr. Jones of Greene, from the committee on internal improvement, reported favorably to the bills,

To incorporate the Coosa navigation and coal mining company; and

To incorporate the Carrollton and Eutaw railroad company.

The bills were severally read a third time and passed.

On motion of Mr. Bullock, all the special orders were suspended for the purpose of receiving reports from committees, and to consider the general orders.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bills

To give jurisdiction to the chancery court of Madison county to authorize Charles H. Patton, trustee for Kate Moore, and guardian for Samuel Moore, to do certain things therein named.

To legalize the election of clerk of the circuit court of Winston county.

The bills were severally read a third time and passed.

Also, favorably to the bills

To amend an act entitled an act to fix the mode of conveying of husband and wife, and for other purposes, approved February 8, 1858;

To authorize the process of garnishment to issue against the State in certain cases;

To amend the law authorizing suits to be brought by or against married women.

The bills were ordered to a third reading.

Also, favorably, with an amendment, to the House bill for the relief of George W. Nettles, of Monroe county.

The bill and the report were laid on the table.

Also, favorably, with an amendment, to the bill to tax itinerant salesmen who sell by sample or pattern, in this State, and to compel them to take out a license.

The bill was read a third time and passed.

The caption was amended so as to read, to compel itinerant salesmen, who sell by sample or pattern, in this State, to take out license.

Also, adversely to the bill to authorize Jesse Lampley to sell a certain tract of land therein named."

The bill and report were laid on the table.

Also, adversely to the petition of J. M. Gant and others, citizens of Blount county:

To the bill "To make Mary A. J. Perry, of Russell county, a free dealer."

To the petition of William J. Pabley and others, citizens of Lowndes county; and

To the bill "To amend section 397 of the Code."

All of which were concurred in.

Also, favorably, with the following bill, to the petition of citizens of Pike county:

A bill to incorporate the Wellington academy, in Pike county.

The bill was read three times forthwith and passed.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following:

To authorize J. W. Wesson and Elisha King, and also, John W. Wesson, to erect dams across Big Wills' creek.

To amend the charter of the town of Cahaba.

For the relief of John J. Woodward, and to appoint solicitors.

To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named.

To repeal and amend the road laws so far as they are applicable to certain townships east of the Tombeckbee river, and lying in Marengo county.

To authorize the city of Tuscaloosa to subscribe to the capital stock of the North-East and South-West Alabama railroad company.

For the relief of the tax collector of Henry county.

To amend the charter of the town of Rodgersville, in Lauderdale county.

Mr. Bullock, from the committee on the judiciary, to whom was referred the "Bill to render available the two-fifths of stock reserved for the State in the several banking institutions chartered by the State," and a substitute therefor, for the purpose of ascertaining whether the State would incur any, and if any, what liability, by the transfer of stock contemplated by said bill; reported, that in the case of the failure of any bank within six months after any such transfer or sale of stock, the State, as the party selling as well as the party purchasing said stock, would be liable for the payment of the debts of the bank in proportion to the stock so transferred. That further than this, no other liability would be incurred. The committee had limited their inquiry to the precise point presented by the instructions of the Senate, giving no attention to other questions which might grow out of the bills.

On motion of Mr. Cocke, the further consideration of the bill and report was postponed until Monday next, 11 o'clock, and made the special order for that hour.

Also, a substitute for the bill "To tax foreign lottery companies."

Mr. Chilton moved to amend by adding the following words: For any ticket or share thereof so sold.

The amendment was adopted.

The substitute was also adopted, and the bill read a third time and passed.

The caption was amended so as to read—

"To prevent the unauthorized sale of lottery tickets in the State of Alabama."

Also, favorably to the House bill, "to amend the law in relation to appeals."

Mr. McIntyre moved to amend as follows:

Add 2d section: "Provided, however, That nothing contained in this act shall apply to or affect any case in which an appeal has heretofore been taken; but the provisions of this act shall apply only to cases in which an appeal may be hereafter taken, and to appeals taken after the passage of this act."

On motion of Mr. Walker, the amendment was laid on the table.

Yeas 13, nays 11.

Yeas—Messrs. President, Bynum, Chilton, Felder, Heflin, Hill, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker.

Nays—Messrs. Brewer, Bullock, Burnett, Calhoun, Cocke, Griffin, Jones of Fayette, Jones of Greene, McIntyre, Stone, Toulmin.

Mr. Calhoun offered the following amendment:

"Provided, That this act shall not take effect till the first day of May next."

On motion of Mr. Mitchell, the amendment was laid on the table.

Yeas 16, nays 12.

Yeas—Messrs. President, Bynum, Chilton, Felder, Fleming, Heflin, Hill, Jackson, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker, Woodward.

Nays—Messrs. Bullock, Burnett, Calhoun, Cocke, Griffin, Higgins, Horn, Jones of Fayette, Jones of Greene, McIntyre, Stone, Toulmin.

Mr. Burnett offered the following amendment:

"Be it further enacted, That the supreme court shall not reverse any cause upon any mere technical error which does not reach the justice and equity of the case."

Mr. Walker moved the previous question, and the question being, shall the main question be now put?

Mr. Bullock moved to adjourn till to-morrow morning ten o'clock.

Mr. Jones, of Greene, till half-past 3 o'clock this afternoon.

Mr. Brewer, till half-past 9 o'clock to-morrow.

The question first being taken on Mr. Bullock's motion, it was lost.

Yeas 10, nays 19.

Yeas—Messrs. Brewer, Bullock, Burnett, Calhoun, Cocke, Higgins, Horn, Jones of Greene, McIntyre, Stone.

Nays—Messrs. President, Bynum, Chilton, Felder, Fleming,

Griffin, Heflin, Hill, Jackson, Jones of Fayette, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Woodward.

The question was next taken on Mr. Brewer's motion, which was lost.

Yeas 8, nays 21.

Yeas—Messrs. Brewer, Bullock, Burnett, Cocke, Higgins, Jones of Fayette, McIntyre, Stone.

Nays—Messrs. President, Bynum, Calhoun, Chilton, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jackson, Jones of Greene, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Woodward.

The question was then taken to adjourn till half-past 3 this afternoon, which was lost.

Mr. Calhoun moved to postpone the further consideration of the bill until to-morrow.

Mr. McIntyre amended the motion by striking out and inserting Monday, 12 o'clock; which was lost.

Yeas 11, nays 17.

Yeas—Messrs. Brewer, Bullock, Burnett, Calhoun, Cocke, Griffin, Horn, Jones of Fayette, Jones of Greene, McIntyre, Stone.

Nays—Messrs. President, Bynum, Chilton, Felder, Fleming, Heflin, Hill, Jackson, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Woodward.

Mr. Calhoun's motion was also lost.

The question recurred on Mr. Walker's motion for the previous question; which was put and carried.

Yeas 15, nays 13.

Yeas—Messrs. President, Bynum, Chilton, Felder, Fleming, Heflin, Hill, Jackson, McSpadden, Mitchell, Nelson, Rowe, Staton, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Calhoun, Cocke, Higgins, Horn, Jones of Fayette, Jones of Greene, McIntyre, Patton, Stone, Toulmin.

The bill was ordered to a third reading.

On motion of Mr. Cocke, the reports from committees were suspended, for the purpose of considering the bill "To incorporate the Bank of the State of Alabama, and for other purposes."

Mr. Jackson moved to adjourn until 10 o'clock, to-morrow.

Mr. Calhoun, till half past 3 this afternoon.

Both of which motions were lost.

The bill was read a third time and passed.

Yeas 25, nays 3.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum,

Chilton, Cocke, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Horn, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Calhoun, Jones of Fayette, Stone.

The bill was ordered forthwith to the House.

Mr. McSpadden, from the committee on the judiciary, reported favorably, with an amendment to the bill "To amend section 1825 of the Code."

The amendment was adopted, the bill read a third time and passed.

Mr. Cocke, from the same committee, reported adversely to the bill "To amend section 3243 of the Code."

Mr. Cocke moved to lay the report on the table.

Pending the discussion of which,

The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, February 10, 1860.

The Senate met pursuant to adjournment.

Mr. Rowe asked and obtained leave to record his vote upon the passage of the bill "To incorporate the Bank of the State of Alabama, and for other purposes." Whereupon he voted nay.

Mr. Fleming introduced a bill, accompanied with a petition, for the benefit of the heirs of James M. Carmichael; which was read twice and referred to the committee on the judiciary.

Mr. Higgins moved to take from the table the bill "To authorize Jesse Lampley to sell a certain tract of land, therein named;" which was carried, and the bill was read a third time and passed.

Mr. Nelson: a bill to authorize John F. Hannah, of Shelby county, to practice law in this State; which was laid on the table.

Mr. Staton: a bill to equalize the salaries of State officers; which was read twice.

Mr. Bullock moved to amend as follows:

That the salaries of judges of the circuit courts shall be \$3,000 a year, to be paid quarterly, as now provided by law."

The bill and amendment were referred to the committee on finance and taxation.

Mr. Nelson: a bill to prevent the sale of spirituous liquors within two miles of Salem Baptist Church, in Jefferson county; which was read twice.

Mr. Toulmin moved to amend as follows:

That it shall not be lawful to sell spirituous liquors within



one and a fourth miles of Toulminville Church, in Mobile county, on the Sabbath day," &c.

The amendment was adopted, the bill read a third time and passed.

Mr. Nelson: a bill to regulate the sale of spirituous liquors in precinct number 5, in Shelby county.

Mr. Bynum: a bill for the relief of W. F. Rose, tax collector of Lawrence county.

Mr. Nelson: a bill for the relief of Thomas H. Brasher, Jas. Holmes, Sr., Andrew J. Cross, and William G. Faukner.

Also, a bill to revive and amend the charter of, and change the name of the South Alabama mining, manufacturing and transportation company.

Mr. Burnett: a bill to provide more effectually for the trial of certain cases in the circuit courts of this State.

All of which, under a suspension of the rule, were severally read three times and passed.

Mr. Calhoun offered the following as a rule, which lies over one day:

*Resolved*, That when the Senate adjourn at its morning session, it will meet at half past 3 o'clock, P. M., to act on reports of committees, and on the general orders until the same shall be disposed of.

Message from the House by Mr. Brewer:

House of Representative, Feb. 10.

Mr. President: The House has amended, by way of substitute, and passed the following Senate bill and joint memorial:

Upon the subject of the swamp lands donated by Congress, by act approved September 28, 1850, to the State of Alabama.

The House has originated and passed bills, of the following titles:

To authorize the probate court of Russell county to sanction and confirm a division of the slaves belonging to the estate of Matthew Averett, deceased;

To repeal an act approved December 3, 1857, entitled "an act to lay off Benton county into commissioners' districts, and for other purposes," so far as said act relates to the county of Calhoun;

To authorize John Warner and others to continue fish traps on Coosa river;

For the relief of the executors of John C. Waters;

To compensate G. T. Yelverton, commissioner to negotiate for the cession of West Florida;

To authorize the Governor to deliver up certain lands therein named.

Mr. McSpadden moved to reconsider the vote ordering to a third reading the bill to amend the law in relation to appeals, which was lost.

Mr. Chilton (by leave,) from the joint committee, made the following report, and recommended the passage of the accompanying bill:

The committee of the Senate and House of Representatives, raised under joint resolution of the two Houses, instructing them, among other things to enquire into the expediency of establishing a State military academy, and report the probable cost, have given [the subject their deliberate and careful consideration, and ask to submit the following report, and recommend the passage of the accompanying bill:

Your committee have had before them two propositions for the establishment of military academies, at different locations.

It was proposed to make an absolute donation to the State of the grounds and buildings of the LaGrange military academy, in Franklin county, on condition only "that the State adopt the institution as a State military academy, and place the same under its patronage by an organization similar to that of the State military academy of South Carolina, and release the trustees from all responsibility of a debt of ten thousand dollars due the 16th section fund by the institution," subsequently, however, a patriotic gentlemen urging the acceptance of the proposition before the committee withdrew the last condition as to the ten thousand dollars, and proposed that the donation should be wholly without any pecuniary stipulation whatever.

It was represented to the committee that grounds proposed to be transferred to the State, consists of forty acres, on which the academy buildings are situated. The buildings embrace two large three-storied brick buildings, containing comfortable and convenient quarters for one hundred and twenty cadets, with all necessary recitation rooms, one new two-storied brick building, containing a spacious chapel, two society halls, superintendent and commandants office, a college library and an academy arsenal. There are also three framed buildings, embracing a stewards house, and a commissar's department. The apparatus comprises all the chemical and philosophical apparatus necessary to a well appointed institution. The libraries contain four thousand books, in good order.

The institution is located in the county of Franklin, four miles from the Memphis and Charleston railroad, on a spur of

the Cumberland mountain, four hundred feet above the Tennessee Valley, thereby securing a pure and invigorating atmosphere.

It was also proposed to make a like donation to the State of the Glennville military academy, in Barbour county, upon a like condition, that is to say, upon condition only that the State will receive it without any cost whatever to the State, and place it under the control and patronage of the State.

It was represented to the committee that the academy consisted of a large two-story wooden building, embracing sufficient recitation and other rooms for two hundred cadets, with ample grounds, and convenient to boarding houses. The location is on a high, healthy, sandy ridge, conveniently near to the Mobile and Girard railroad, and soon to be rendered more accessible to the interior of the State by the completion of the Montgomery and Union Springs railroad.

The village of Glennville, in or near which the academy is situated, is unsurpassed by any village or town in the State, in the public spirit, refinement and intelligence of its citizens. Thus, whilst on one hand the cadets are not subject to the vice and immorality usually attending such location, they will always be in reach of cultivated and elegant society.

The present session of the institution opened but a few days ago, and seventy pupils have already entered, whilst the number is being increased almost daily.

The buildings, grounds, and everything connected therewith, are estimated to be worth about \$15,000, in addition to which by the will of the late lamented Hon. Milton A. Browder, there is a donation fund attached of not less than \$40,000, and it is thought, should there be realized from his estate the amount it is now by the appraisement thought to be worth, it will be increased to probably \$100,000.

These liberal and indeed munificent propositions—doing credit alike to the patriotic hearts which prompted, no less than to the intelligent heads which planned and directed them—were both respectfully considered by the committee. It was thought best by your committee to recommend the adoption of neither of the said schools at this time as “the State military academy,” but to leave both propositions open with the consent of those submitting them, until the next session of the General Assembly, and in the meanwhile adopt the accompanying bill.

It will be observed that by the 8th section of the bill, a board of visitors is provided for, whose duty it will be to visit both the above named institutions as often as they may deem necessary, collect information in respect to them and report to next

session of the General Assembly. Your committee believe that the plan proposed will, during the next two years, excite a spirit of honorably rivalry between the two schools; open the door to a commendable emulation—elicit information for the public—create a general interest in the subject throughout the State, and afford ample opportunity for the maturity of a plan for the permanent establishment of a State military academy which would, in itself, do honor to the State, whilst the scores of her gallant sons which such an institution would send forth, each succeeding year, to the various counties, with strong arms and brave hearts, may yet prove to be her surest reliance in the time of real danger, bound to the soil, as they would be by a double tie, *her* destiny would be *their* destiny.

WM. P. CHILTON, Chairman Senate Com.

H. D. CLAYTON, Chairman House Com.

A bill to be entitled an act to provide for the military education of two young men from each county in the State of Alabama.

The bill was read three times; under a suspension of the rule and passed.

Yeas 21; nays 6.

Yeas—Messrs. President, Bullock, Bynum, Calhoun, Chilton, Cocke, Felder, Griffin, Heflin, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Patton, Stetson, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Brewer, Fleming, Higgins, McSpadden, Mitchell, Rowe.

Message from his excellency, the Governor, by his Private Secretary, Mr. Phelan.

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles:

To incorporate the Pickensville branch of the Mobile and Ohio railroad company;

For the relief of the tax collector of Henry county;

To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named;

For the relief of John J. Woodward, and to appoint solicitors;

To amend the charter of the town of Rodgersville, in Lauderdale county;

To authorize J. W. Wesson and Elisha King, and also John W. Wesson, to erect dams across Big Will's creek;

To repeal and amend the road laws so far as they are appli-

cable to certain townships east of the Tombèckbee river, and lying in Marengo county;

To amend the charter of the town of Cahaba;

To authorize the city of Tuscaloosa to subscribe to the capital stock of the North-East and South-West Alabama railroad company.

The Senate proceeded to the consideration of the reports from committees.

There being pending the motion of Mr. Cocke to lay on the table the report of the committee to the bill to amend section 3243 of the Code.

The Senate refused to lay the report on the table, and the report was concurred in.

Mr. McIntyre, from the committee on the judiciary, to whom was referred the report of the agent of the Girard and Mobile railroad, appointed by his Excellency, the Governor, to make selections of the public lands donated to the State for the use of said road, and the message of his Excellency thereon, reported the following bill and joint memorial, and recommended their passage:

A bill and joint memorial upon the subject of sections of public lands to aid in the construction of the Girard and Mobile railroad.

The bill was read three times under a suspension of the rule, and passed.

Ordered forthwith to the House.

Mr. Bullock, from the same committee, reported favorably to the following House bills, all of which were ordered to a third reading:

To authorize the probate judge of Madison county to act as guardian in a certain case;

To amend section 2138 of the Code, so as to allow the State to be sued in chancery;

To enable M. M. George to remove her infant ward, A. Ellerbe English, beyond the limits of this State;

To protect females from insult and injury at public assemblies;

To authorize the removal of the administration of the estate of Alexander M. Creagh, deceased, from the county of Wilson to the county of Mobile;

To authorize the executrix of William Robinson, also the administrators of Robert Cole, to keep together the estates of their respective decedents, and for other purposes;

To authorize the probate court to grant an order to lease lands in certain cases;

To regulate the taking of affidavits in aid of judicial proceedings;

Also, adversely to the following bills from the House, all of which were concurred in :

To change the law relative to the opening of depositions;

To amend section 775 of the Code of Alabama;

The better to regulate proceedings in the probate courts, and for other purposes;

To amend the law in relation to the removal of estates of minors;

To repeal sections 1991 and 1992 of the Code, and for other purposes;

To amend section 3133 of the Code;

Also, favorably to the following House bills, all of which were severally read a third time and passed.

To provide for the more effectual collection of the city taxes of the city of Mobile;

To enable Ned Adkins, a free man of color, to become a slave.

The caption of this bill was amended so as to read, "a bill to enable Ned Adkins, and other free persons of color therein named to become slaves."

For the benefit of insolvent white persons confined in jail in any county in this State;

For the relief of the children of John Stewart and Rose Stewart;

To repeal a certain act therein named, regulating the registration of claims in the county of Dekalb;

For the relief of the estate of Gray Little;

To enable Nicholas Davis, trustee to change the investment of trust funds.

To provide for the holding of coroners' inquests by justices of the peace in certain cases;

To authorize the Governor to issue a patent to Thos. Walker, of Dallas county, for certain school lands therein named;

To regulate the jurisdiction and fees of justices of the peace in Mobile;

To compensate surgeons and physicians for attending coroners' inquests;

To amend the criminal laws of this State;

To regulate the pay of jurors in the case of change of venue;

For the relief of the estate of the late Mary Foster, of Mobile county;

To authorize the coroners of this State to appoint bailiffs;  
 To amend section 2005 of the Code;  
 To amend section 2235 of the Code;  
 To amend the law in regard to security for costs;  
 And the Senate bills:

To protect guardians;

For the relief of Malcey, daughter of James L. C. Floyd, of Pike county.

Mr. Felder, from the same committee, reported a substitute for the bill to establish county courts for each county.

Mr. Calhoun moved to amend as follows:

Be it further enacted, That the provisions of this act, so far as the same may be applicable, shall be extended to the county of Dallas, to the judge of probate, clerk of the circuit court, sheriff and coroner of said county of Dallas; and that the terms of said county court hereby established, shall be held on the third Monday in August and January of each year, and continue in session until the business is disposed of.

The amendment was adopted; the substitute as amended was adopted, and the bill read a third and passed.

Mr. Stone, from the same committee, reported favorably to the bill to authorize William C. Davis, administrator of the estate of Thomas C. Davis, deceased, to sell certain lands therein named.

The bill was read a third time and passed.

Mr. Bullock, from the same committee, reported adversely to the bill authorizing the administrators of W. C. M. Almon, late of Marion county, to make settlement in certain cases.

The bill and report were laid on the table.

By leave, the following bills were introduced:

Mr. Bullock: A bill to amend section 3600 of the Code;

Mr. Burnett: A bill to provide for the payment of witnesses for the State in certain cases;

Which were severally read twice and referred to the committee on the judiciary.

Mr. Bullock, from the committee on the judiciary, reported favorably to the bill to give to the intendant of Orion justices' jurisdiction, and for other purposes.

The bill was referred to Mr. McIntyre.

Mr. Calhoun, from the same committee, reported adversely to the bill to compensate C. F. Lewis, sheriff of Macon county, for services rendered.

Mr. Chilton moved to lay the report on the table, which was carried.

Yeas 14, nays 13.

Yeas—Messrs. Brewer, Bullock, Chilton, Cocke, Felder, Griffin, Heflin, Higgins, Jackson, McIntyre, Nelson, Rowe, Staton, Toulmin.

Nays—Messrs. President, Burnett, Bynum, Calhoun, Fleming, Hill, Jones of Fayette, Jones of Greene, McSpadden, Patton, Stone, Walker, Wood.

The bill was ordered to a third reading.

Yeas 15, nays 13.

Yeas—Messrs. Brewer, Bullock, Chilton, Cleveland, Cocke, Felder, Griffin, Heflin, Higgins, Jackson, McIntyre, Nelson, Rowe, Staton, Toulmin.

Nays—Messrs. President, Burnett, Bynum, Calhoun, Fleming, Hill, Jones of Fayette, Jones of Greene, McSpadden, Patton, Stone, Walker, Wood.

Mr. Rowe moved to adjourn until half-past three o'clock this afternoon.

Mr. Fleming till ten o'clock to-morrow.

Mr. Burnett, till half-past nine to-morrow.

Mr. Bullock moved to reconsider the vote ordering forthwith to the House the bill to establish a county court for the counties of Montgomery and Dallas, which was carried.

Also, moved to reconsider the vote by which the bill was passed.

Pending the consideration of which motion, the vote was taken on Mr. Fleming's motion to adjourn, which was carried, and

The Senate then adjourned until to-morrow morning, 10 o'clock.

#### SATURDAY, February 11, 1860.

The Senate met pursuant to adjournment.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bill for the relief of Stephen M. Ingersoll, of Russell county.

The Senate refused to order the bill to a third reading.

Yeas 9, nays 20.

Yeas—Messrs. Bullock, Chilton, Cleveland, Cocke, Griffin, Horn, Jones of Fayette, Rowe, Wood.

Nays—Messrs. President, Burnett, Bynum, Calhoun, Felder, Fleming, Heflin, Hill, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Staton, Stone, Toulmin, Walker, Woodward.

Mr. Cleveland introduced a bill

To amend section 1827 of the Code; which was read twice and referred to the committee on the judiciary.



Mr. Rowe: A bill to authorize the commissioners of roads and revenue of the several counties in this State to pay jailors in certain cases; which was read twice and referred to the committee on accounts and claims.

Mr. Felder: A bill for the relief of Sarah Goldsmith; which was read twice and referred to the committee on the judiciary.

Message from the Governor by his private secretary, Mr. Phelan.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 11, 1860.

*Gentlemen of the Senate:*

I beg leave to inform the Senate that J. J. Woodward has resigned the office of solicitor of the 9th judicial circuit, to take effect on the first day of July next.

It will therefore devolve upon the present General Assembly to elect a solicitor to fill the vacancy that will be created by his resignation.

The terms for which the Hon. Porter King, of Perry county, and Mr. James C. Spencer, of Tuscaloosa county, were appointed Trustees of the Hospital for the Insane having expired, I beg leave to nominate, to the Senate for confirmation, the Rev. Basil Manly, D. D., of Tuscaloosa, and Hon. Porter King, of Perry county, to fill the vacancies now existing in the Board of Trustees.

Respectfully,

A. B. MOORE.

Mr. Bullock, from the committee on the judiciary, reported favorably to the bill to allow creditors without liens to file bills for the collection of debts in certain cases.

The bill was read a third time and passed.

Mr. Bullock, from the same committee, reported favorably to the House bill

To amend section 2313 of the Code, and to allow defendants in certain cases to prove off-sets.

Also, a substitute for the House bill

To prohibit the sale of spirituous liquors within one mile of the town of Center, in Cherokee county.

Mr. Jones, of Fayette, from the committee on county boundaries, reported a substitute for the bill to divide Valley beat, in Pike county, into two beats.

The substitutes were severally adopted and the bills read a third time and passed.

Mr. Bynum, from the committee on sixteenth sections, reported favorably to the House bill,

To authorize the issuance of a patent to Eli S. Thornton for 16th section lands in Choctaw county.

Mr. Stone, from the committee on education, reported favorably to the bills:

To incorporate Hamner Hall, a female seminary in Montgomery county; and

To amend an act to incorporate the Bellville male and female academy, and for other purposes.

Mr. Woodward, from the committee on roads, bridges and ferries, reported favorably to the bills:

To establish a ferry across the Alabama river at Montgomery;

To declare Bassett Creek, in the county of Washington, a public highway;

And the House bills:

To authorize justices of the peace to appoint apportioners of roads in Pickens county, and for other purposes;

To repeal an act therein named;

To authorize John Holley, of Coffee county, to establish a bridge or ferry in said county;

All of which were severally read a third time and passed.

Mr. Fleming, from the committee on the military, reported favorably, with an amendment, to the House bill, "to incorporate sundry volunteer companies."

The amendment was adopted, the bill read a third time and passed.

Mr. Walker, from the committee on corporations, reported favorably to the following House bills:

To incorporate the Mobile Magnolia Association;

And to amend an act entitled "an act to authorize the construction of a plank or shell road along the Bay of Mobile," approved February 10th, 1854, and the amendments thereof approved January 6, 1856, and January 20th, 1854.

To incorporate the Mobile Hebrew Relief Association.

To amend the charter of the Mobile Marine Dock and Mutual Insurance company.

To incorporate the Woodlawn Female Institute in Macon county.

To the Senate bills:

To revive an act to incorporate the Eagle railroad and lumber company, approved 17th December, 1836, and for other purposes.

To amend the charter of the town of Marion.

To revive and continue in force "an act to incorporate the Mobile Live Stock and General Insurance company," approved

20th December, 1851, as amended by an act entitled "an act to alter and amend the act to incorporate the Mobile Live Stock and General Insurance company," approved December 20th, 1851," approved 12th December, 1853.

To incorporate the Southern Express company, with an amendment, which was adopted.

All of which were severally read a third time and passed.

The report of Mr. Rowe, from the committee on accounts and claims, adverse to the petition of Needham Adams, for pay for keeping an escaped prisoner, was pending upon the call of the committees.

Mr. McIntyre moved to lay the report on the table, which was lost.

The report was concurred in.

Mr. Fleming, from the committee on the military, reported favorably, with an amendment, to the "bill to encourage the manufacture of fire-arms in this State."

On motion of Mr. Bullock, the bill and report were laid on the table.

Also, favorably with amendments, to the "bill to incorporate the Warrior Guards, in the city and county of Tuscaloosa."

The amendments were adopted, and the bill ordered to a third reading.

Also, adversely to the "bill to incorporate the Coosa Cavalry," as that company was incorporated under the general bill.

The report was concurred in.

Message from the House, by Mr. Brewer.

House of Representatives, Feb. 11.

Mr. President: The House concurs in the Senate's amendments to the House bill—

To incorporate the Bank of Alabama, and for other purposes.

The House has passed the following Senate bills:

To enable the people of Pickens county to more permanently locate the seat of justice of said county, and for other purposes.

The House has amended as herein shown, and passed the Senate bills,

To compensate the solicitors for the State of Alabama, in the litigation between Georgia and Alabama, in respect to the boundary line between said States.

To fix the times of holding the circuit courts for the seventh judicial circuit.

To increase the pay of witnesses in the county of Montgomery.

The House has originated and passed bills—

To incorporate the male and female academy at Autaugaville in the county of Autauga.

To define and establish the line between the counties of Cherokee and DeKalb.

To give the 40th chancery district of the middle division, jurisdiction in certain cases.

To graduate and fix the fees of the judge of probate for Barbour county.

For the protection of voters in Russell and Chambers counties.

To incorporate Pleasant Hill Academy in Barbour county.

To authorize the administratrix of the estate of John M. Andrews to remove the administration from the county of Coosa to the county of Chambers.

For the relief of John Irwin.

To authorize M. P. Leath, of the county of Walker, to erect a mill dam across Wolf creek.

To incorporate the Prattville male and female academy, in the county of Autauga.

To incorporate the "Southern Guards," of Dallas county.

To authorize the court of county commissioners, of Barbour county, to refund a certain sum of money to Abner C. Flewellen.

To incorporate the "Metropolitan Guards."

To regulate the road law in Walker county.

To repeal in part an act therein named.

To establish a medical board, in the county of Franklin.

To incorporate the "Walker Springs company," of Clarke county.

To prevent the sale of spirituous liquors within two miles of Salem Baptist church, in Jefferson county.

For the relief of Chapman Roberts, late tax assessor for the county of Lawrence.

For the relief of Washington T. May.

For the relief of the executors of John Bloodgood, (late of Mobile) deceased.

To incorporate the "Montgomery Mounted Rifles."

To incorporate the Tuskegee railroad company.

To increase the compensation of Bailiffs in certain counties therein named.

Mr. Mitchell, from the committee on corporations, reported favorably, with amendments, to the "bill to incorporate the Alabama Insurance and Exchange company, of Tuskegee."

The amendments were adopted.

Mr. Burnett moved to amend by conferring the same powers, &c., upon S. J. Bolling, D. G. Dunklin, A. F. Posey, J. C.

Caldwell, J. M. Parmer, J. K. Henry and T. J. Burnett; to be called the Greenville Insurance company, to be located at Greenville, Butler county.

Which was adopted.

Mr. Chilton moved to amend by conferring the same powers on certain citizens of Shelby county, to be called the Shelby Insurance company.

Which was adopted.

Mr. Bullock moved to amend the 6th section, by adding to the incorporators the names of C. D. Laney, L. F. Johnson, John W. Clarke, James G. Kendall, William F. Simpson and George L. Allen.

Which was adopted.

Mr. McIntyre moved to amend as follows:

"Provided, however, That in respect of bills of foreign banks, such incorporations shall not act as agents for the circulation of the same, nor shall any member thereof act as such agent; but the said incorporations shall only pay out and receive such bills in the ordinary course of business, as an individual may do under existing laws, who does not act as such agent. And for any violation of the foregoing provision, the officers of such incorporation shall be subject to indictment for misdemeanor."

On motion of Mr. Cocke, the amendment was laid on the table.

Mr. Cocke moved to amend as follows:

"Provided, That the companies hereby incorporated shall not be allowed to lend out or deal in bank bills issued by banks not chartered by the State of Alabama."

On motion of Mr. Burnett, the motion was laid on the table.

Yeas 19, nays 11.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Felder, Griffin, Heflin, Higgins, Jackson, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker, Wood.

Nays—Messrs. President, Bynum, Calhoun, Cleveland, Cocke, Hill, Horn, Jones of Greene, Stone, Toulmin, Woodward.

Mr. Chilton moved to amend by conferring the same powers on certain citizens of Tallapoosa county, to be called the Tallapoosa Insurance company, to be located at Dadeville, in Tallapoosa county; which was adopted.

Mr. Cleveland moved to amend as follows:

Sec. 11. That any number of persons, not less than five, by complying with the provisions of this act, shall be constituted an insurance company, without any further legislative action:

*Provided*, That the Legislature reserves to itself the right to repeal this act at any future session, notwithstanding any rights which may be hereby vested.

On motion of Mr. Burnett, the amendment was laid on the table.

Mr. Cocke moved to amend as follows:

*Be it further enacted*, That all the insurance companies hereafter chartered in this State, shall have all the rights and privileges granted to them, in relation to receiving and paying out bills issued by banks, not chartered by this State, that are allowed by this act to the companies hereby incorporated; which was adopted.

Mr. Bynum moved to adjourn till fifteen minutes before 10 o'clock, Monday morning.

Also, till 10 o'clock, Monday morning.

Mr. Calhoun moved to adjourn till half past 3 o'clock, this afternoon.

Fifteen minutes to 10 was lost.

Yeas 12, nays 19.

Yeas—Messrs. Bullock, Bynum, Calhoun, Cleveland, Cocke, Fleming, Higgins, Hill, Horn, Jones of Greene, Stone, Woodward.

Nays—Messrs. President, Brewer, Burnett, Chilton, Felder, Griffin, Heflin, Jackson, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood.

Ten o'clock was lost.

Yeas 12, nays 19.

Yeas—Messrs. Bullock, Bynum, Calhoun, Cleveland, Cocke, Fleming, Higgins, Hill, Horn, Jones of Greene, Stone, Woodward.

Nays—Messrs. President, Brewer, Burnett, Chilton, Felder, Griffin, Heflin, Jackson, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood.

Half past 3 this afternoon was lost.

Yeas 8, nays 23.

Yeas—Messrs. Calhoun, Felder, Hill, Jones of Fayette, Jones of Greene, Patton, Stone, Woodward.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Cocke, Fleming, Griffin, Heflin, Higgins, Horn, Jackson, McIntyre, McSpadden, Mitchell, Nelson, Rowe, Staton, Toulmin, Walker, Wood.

Mr. Cleveland moved to amend as follows:

*Provided*, That the Legislature reserves to itself the right to

repeal this act at any future session, notwithstanding any rights which may be hereby vested.

On motion of Mr. Burnett, this amendment was laid on the table.

Yeas 19, nays 12.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Felder, Griffin, Heflin, Higgins, Jackson, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker, Wood.

Nays—Messrs. President, Bynum, Calhoun, Cleveland, Cocke, Fleming, Hill, Horn, Jones of Greene, Stone, Toulmin, Woodward.

The Senate refused to suspend the constitutional rule, and the bill was ordered to a third reading.

Yeas 19, nays 11.

Yeas—Messrs. Brewer, Bullock, Burnett, Chilton, Cocke, Felder, Griffin, Heflin, Jackson, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker, Wood.

Nays—Messrs. President, Bynum, Calhoun, Cleveland, Fleming, Hill, Horn, Jones of Greene, Stone, Toulmin, Woodward.

On motion of Mr. Jones of Greene, reports from committees were suspended, for the purpose of considering the "Bill to reinvest a portion of the two per cent. fund."

Whereupon, the bill was read twice and referred to the committee on internal improvements.

Mr. Horn moved to adjourn till Monday morning, 10 o'clock; which was lost.

Yeas 14, nays 17.

Yeas—Messrs. President, Brewer, Calhoun, Chilton, Cleveland, Cocke, Fleming, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, Mitchell, Woodward.

Nays—Messrs. Bullock, Burnett, Bynum, Felder, Griffin, Heflin, Higgins, McIntyre, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood.

Mr. McIntyre, from a select committee, reported favorably, with amendments, to the House "Bill to give to the intendant of Orion justices' jurisdiction, and for other purposes."

The amendments were adopted, and the bill read a third time and passed.

Mr. Chilton, from the committee of conference, to whom was referred the bill and amendments of the House "To incorporate the Alabama Baptist State Convention," reported that the House recede from its amendment, and that in lieu thereof the third section of the bill be amended, after the word "devise," in the

11th line, by inserting the words "hereafter to be made;" and after the word "vested," in the 15th line, the words "or contingent." By these amendments, the rights of all third parties are strictly guarded and protected, and they are allowed to take advantage of all technical defects in instruments heretofore made; while the bill thus amended vests the property now held by the convention in its incorporated character in the incorporation, saving the rights in every conceivable character of third persons; for it will not be contended by any one that there can be a right which is not either vested or contingent, and these rights are excluded from the operation of the bill.

The report was concurred in.

Yeas 26, nays none.

Yeas—Messrs. President, Bullock, Burnett, Bynum, Calhoun, Chilton, Cocke, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Toulmin, Walker, Wood, Woodward.

Ordered that the House be informed forthwith of the action of the Senate.

On motion of Mr. McIntyre, reports from committees were suspended, to consider the following bills from the House:

To authorize the issuance of letters testamentary without bond in a certain case therein named;

To authorize the probate court of Russell county to sanction and confirm a division of the slaves belonging to the estate of Matthew Averett, deceased.

Both of which, under a suspension of the rule, were severally read three times and passed.

Mr. Horn moved to suspend reports from committees further, for the purpose of considering the bill from the House in regard to the swamp lands.

Mr. Higgins moved to adjourn till 10 o'clock, Monday morning.

Mr. Bullock, till half past 9 o'clock.

Mr. Nelson, till 7 o'clock to-night.

The question first being taken on Mr. Higgins' motion, it was carried.

Yeas 20, nays 10.

Yeas—Messrs. President, Calhoun, Chilton, Cleveland, Cocke, Fleming, Griffin, Higgins, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Bynum, Felder, Heflin, Nelson, Staton, Toulmin, Wood.



The Senate then adjourned till 10 o'clock Monday morning.

MONDAY, February 13, 1860.

The following bills were introduced :

Mr. Walker : a bill to incorporate the Randolph mining, manufacturing, and transportation company.

Mr. Jemison : a bill (accompanied with a petition,) to prevent the sale of spirituous liquors within two miles of Columbiana Institute.

Mr. Chilton : a bill to prevent sickness by the accumulation of stagnant water caused by excavations and embankments of railroads.

Mr. Patton : a bill to amend section 499 of the Code, so far as Lauderdale county is concerned.

All of which were severally read three times, under a suspension of the rule, and passed, and ordered to be sent forthwith to the House.

The Senate proceeded to the consideration of the resolution offered by Mr. Calhoun on Saturday.

Mr. Calhoun moved to strike out "half past;" which was carried.

Mr. McIntyre moved to strike out 3, and insert 7 ; which was lost.

Mr. Cocke moved to lay the resolution on the table ; which was lost.

Yeas 13, nays 17.

Yeas—Messrs. President, Bullock, Burnett, Bynum, Cleveland, Cocke, Fieming, Higgins, Horn, Jackson, McIntyre, Mitchell, Stone.

Nays—Messrs. Brewer, Calhoun, Chilton, Felder, Heflin, Hill, Jemison, Jones of Fayette, McSpadden, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, Woodward.

On motion of Mr. Bullock, the further consideration of the resolution was postponed until Wednesday next, 11 o'clock.

Mr. Jemison presented the petition of Shandy Jones ; which was referred to the select committee to whom was referred the bill in relation to free persons of color in this State.

Mr. Cocke : a bill to release the Alabama and Mississippi rivers railroad company from the payment of interest ; which was read twice and referred to the committee on internal improvements.

Mr. Toulmin : a bill for the relief of A. J. Schremixcher ; which was read twice and referred to the committee on finance and taxation.

Mr. McIntyre : A bill in relation to the printing of the acts

of the present General Assembly, which was read twice and referred to the committee on State printing;

Mr. Jemison: A bill to continue the office of commissioner and trustee, and for other purposes; which was read and ordered to a second reading.

Mr. Jones, of Greene, from the committee on internal improvements, reported favorably on the bill to amend the charter of the Cahaba, Marion and Greensboro' railroad company.

Also, to the House bill, with amendments, which were adopted, to incorporate the Troy railroad company.

Mr. Felder, from the committee on the judiciary, reported favorably on the bill from the House for the relief of the next of kin of Joseph Ritter, deceased, late of Montgomery county.

All of which were severally read a third time and passed.

Mr. McSpadden, from the committee on divorce and alimony, reported favorably to the bill to divorce Sarah Nichols from her husband, Edward Nichols, and to divorce other persons, therein named.

The bill was ordered to a third reading.

Mr. Rowe, from the committee on accounts and claims, reported a substitute for the bill to compensate jailors for taking care of persons who have escaped from jail.

The substitute was adopted and the bill read a third time and passed.

Also, adversely to the petition of H. Hays and others, citizens of Henry county.

The report was concurred in.

Mr. Cocke, from the same committee, reported adversely to the account of Wm. Owens, jailor of Randolph county.

Mr. Heflin moved to lay the report on the table, which was lost.

The report was concurred in.

On motion of Mr. Rowe,

Resolved, by the Senate and House of Representatives, [the House concurring,] That the two Houses will meet in the hall of the House on Thursday next at 12 o'clock, for the purpose of electing a solicitor of the ninth judicial circuit, made vacant by the resignation of the Hon. J. J. Woodward.

Mr. Felder, from the committee on the State Capitol, introduced a bill to authorize the Secretary of State to better preserve the State Capitol; which was read three times and passed.

Message from the House by Mr. Elmore.

House of Representatives, Feb. 13.

Mr. President: The House has amended, as therein shown, and passed the

Bill to amend section 43 of the Code, regulating mileage.

The House has originated and passed

A bill to loan and appropriate the three per cent. fund and its interest.

Mr. Chilton, from the joint military committee, reported the following bill to the Senate, and recommended its passage:

To amend sections 383 and 384 of the Code, fixing the University fund, and establishing a military department in said University.

The bill was, under a suspension of the rule, read three times and passed.

The following House bills were severally read a third time and passed:

To provide for the payment of detached halves of bank bills issued by the Bank of the State of Alabama and its branches;

To incorporate Pine Grove Church, in Barbour county;

To amend the charter of the town of Dayton, in Marengo county;

To incorporate the Greenville female college;

To exempt justices of the peace and constables from working on roads in Randolph county;

To authorize judges of probate of the different counties of this State to issue attachments in certain cases;

For the relief of Daniel G. Mays, tax collector of Greene county;

Amendatory of an act to locate the seat of justice in Jackson county, approved Dec. 17, 1859;

To amend the law relative to the unlawful detainer of lands;

To amend section 3254 of the Code;

To prevent homicides;

To re-enact an act, &c.;

To authorize the owners of steam grist mills in the county of Jackson to take the sixth as toll for grinding;

To amend an act therein named, in regard to the court of county commissioners of Limestone county;

To incorporate the Bienville hotel company, of Mobile;

To authorize the probate judge of Madison county to act as guardian in a certain case;

To amend section 2138 of the Code, so as to allow the State to be sued in chancery;

To enable M., M. George to remove her infant ward, A. Ellerbee English, beyond the limits of this State;

To protect females from insult and injury at public assemblages;

To regulate the taking of affidavits in aid of judicial proceedings;

To authorize the probate court to grant an order to lease lands in certain cases;

To authorize the executrix of William Robinson, also the administrators of Robert Coles, to keep together the estates of their respective decedents, and for other purposes;

To authorize the removal of the administration of the estate of Alexander M. Creagh, deceased, from the county of Wilcox to the county of Mobile;

Also, the following Senate bills:

To incorporate the Eufaula marine and fire insurance company;

For the relief of Lewis Dolin, tax assessor of Baldwin county

Defining the boundaries of a new election precinct in the county of Randolph, and for other purposes;

To amend section 3256 of the Code;

For the relief of Robert Curtis, of the county of Choctaw;

To incorporate the Opelika insurance company;

For the relief of the administrator of Jacob Mitchell, deceased;

To incorporate the Marion insurance and trust company;

For the benefit of Robert Lewis, of Greene county;

To incorporate the mechanics' aid association of Mobile;

To incorporate the Mobile Turner Community;

To exempt persons exhibiting shows on the fair grounds of the Alabama State Agricultural Society during the annual fair from certain penalties;

To amend an act entitled an act fixing the mode of conveying the estate of husband and wife, and for other purposes; approved Feb. 8, 1858;

To amend the law authorizing suits to be brought by or against married women;

To authorize process of garnishment to issue against the State in certain cases;

To compensate C. F. Lewis, sheriff of Macon county, for services rendered;

To incorporate the Warrior Guards, in the city and county of Tuscaloosa;

To change the boundary line between the counties of Clarke and Monroe.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cocke, Felder, Heflin, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward—27.

Nay—Mr. Higgins—1.

The Senate bill to incorporate the Alabama insurance and exchange company, at Tuskegee, was read a third time;

Mr. Patton moved to amend, by engrossed ryder, conferring same powers, etc., on certain citizens of Lauderdale county, to be called the Florence marine insurance company.

Which was read three times and adopted.

The bill as amended was passed.

Yeas 19, nays 8.

Yeas—Messrs. Brewer, Burnett, Chilton, Cocke, Felder, Griffin, Heflin, Higgins, Jackson, Jemison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Staton, Walker, Wood.

Nays—Messrs. President, Bynum, Calhoun, Cleveland, Fleming, Hill, Stone, Toulmin.

The caption was amended by adding after "Tuskegee" the words, "and other insurance companies therein named."

The bill to amend an act therein named was read a third time and laid on the table.

The House bill to amend the law in relation to appeals, was read a third time.

Mr. McSpadden moved to amend, by engrossed ryder, as follows:

Section 3. Be it further enacted, That the benefits of the provisions of this act shall be enjoyed by minors and married women; who may be applicants in any case, to an equal extent with adult applicants; and that security for costs of the appeal may be given by the next friends or guardians of minors or married women, which, when approved as the bond mentioned in the second section of this act is therein required to be approved, shall be as effectual to prevent the dismissal of the appeal as the bond given by an adult applicant and approved in the manner provided in the second section of this act.

On motion of Mr. Mitchell, the engrossed ryder was laid on the table.

Yeas 17, nays 13.

Yeas—Messrs. President, Bynum, Chilton, Cleveland, Felder, Griffin, Heflin, Hill, Horn, Jackson, Mitchell, Nelson, Patton, Rowe, Staton, Walker, Wood.

Nays—Messrs. Brewer, Bullock, Burnett, Calhoun, Cocke,

Fleming, Jemison, Jones of Greene, McIntyre, McSpadden, Stone, Toulmin, Woodward.

Mr. Burnett moved to amend by engrossed ryder, as follows :  
 Be it further enacted, That minors shall have all the benefits under this act which are conferred by any of its provisions on adult applicants.

Mr. Heflin moved the previous question, and the question being, shall the main question be now put, it was carried.

Yeas 18, nays 9.

Yeas—Messrs. President, Bynum, Chilton, Cleveland, Felder, Fleming, Heflin, Hill, Horn, Jackson, Jones of Fayette, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker.

Nays—Messrs. Bullock, Burnett, Calhoun, Cocke, Griffin, McIntyre, Stone, Toulmin, Woodward.

The bill was read a third time and passed.

Yeas 19, nays 7.

Yeas—Messrs. President, Bynum, Chilton, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jackson, Jones of Fayette, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Walker.

Nays—Messrs. Bullock, Burnett, Cocke, McIntyre, Stone, Toulmin.

Ordered to be sent forthwith to the House.

The House bill to loan a part of the three per cent. fund to the Uniontown and Jackson, and Selma and Gulf railroad companies was read a third time.

Mr. Jones of Greene, moved to amend by engrossed ryder, to be section 5 of the bill.

The engrossed ryder was read three times and adopted, and the bill passed.

Yeas 23, nays 6.

Yeas—Messrs. President, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Staton, Stone, Toulmin, Walker, Woodward.

Nays—Messrs. Bullock, Burnett, McIntyre, Mitchell, Rowe, Wood.

The caption was amended so as to include the Cahaba, Marion and Greensboro railroad.

On motion of Mr. Walker, the bill from the House to loan and appropriate the three per cent. fund and its interest, was read twice and referred to the committee on internal improvements.

Mr. Rowe moved to adjourn till half past 3 this afternoon.

Mr. Jones of Greene, till 10 o'clock to-morrow.

Mr. Bynum, till half past 9, also 15 minutes to 10.

Mr. Griffin, till 8 to-morrow:

Mr. Jones' motion to adjourn, was put and carried.

The Senate stood adjourned until to-morrow morning 10 o'clock.

TUESDAY, Feb. 14, 1860.

The Senate met pursuant to adjournment.

Message from the House, by Mr. Brewer.

House of Representatives, Feb. 14.

Mr. President: The House has originated and passed

A bill for the improvement of the bay and harbor of Mobile.

The following bills were introduced:

Mr. Woodward: a bill for the relief of Thomas Kellough, which was read three times and passed.

Mr. Nelson: a bill to amend an act therein named, which was read twice and referred to the committee on corporations.

Mr. Stone: a bill to amend section 1195 of the Code of Alabama, which was read twice and referred to the committee on the judiciary.

Mr. Cleveland: a bill for the relief of Neal Smith, which was read twice and referred to the committee on propositions and grievances.

Mr. Fleming moved to suspend the reports of committees and take up the House message and general orders.

Mr. Jemison moved to amend the motion, by adding to take up and consider the special orders.

On motion of Mr. Cleveland, the motion and amendment were laid on the table.

Yeas 18, nays 12.

Yeas—Messrs. President, Bynum, Calhoun, Cleveland, Cocke, Felder, Heflin, Higgins, Hill, Jackson, McIntyre, McSpadden, Mitchell, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Chilton, Fleming, Griffin, Horn, Jemison, Jones of Fayette, Rowe, Stone, Wood.

Mr. Bullock, from the committee on the judiciary, to whom was referred the petition of the grand jury of Marengo county, reported and recommended its passage.

A bill more effectually to prevent the illegal traffic with slaves in the county of Marengo, which was read three times and passed.

Mr. Jones of Greene, from the committee on internal im-

provements, reported favorably on the House bill to loan and appropriate the three per cent. fund and its interest.

Mr. Jemison moved to amend as follows:

SEC.— And be it further enacted, That the said road shall in grading, be of the width and otherwise constructed for a first class single track road. Its grade ascending north shall not exceed sixty-six feet per mile, in any case, and grades ascending south  $63\frac{1}{2}$  feet per mile, in any case, nor the curvature more than fifty. The iron rails shall weigh forty-five pounds to the yard, and all the chairs, spikes, &c., together with all the materials used, shall be of the most suitable and good quality for a first class road. Also, all water stations, division houses, wood sheds, machine shops, engine houses, and depot buildings shall be suitable for a first class single track road, and shall correspond with, and be fully equal to the estimates in the report of John T. Milner, chief engineer.

Mr. Bynum, moved to lay Mr. Jemison's amendment on the table, which was carried.

Yeas 18, nays 14.

Yeas—Messrs. President, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Heflin Higgins, Horn, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin Walker.

Nays—Messrs. Brewer, Bullock, Burnett, Fleming, Griffin, Hill, Jemison, Jones of Fayette, McIntyre, Mitchell, Rowe Stone, Wood, Woodward.

Mr. Brewer moved to amend by striking out from the first section all after the words "the sum of" to the word "from the State," and insert in lieu thereof "two hundred and forty-three thousand five hundred and forty-seven dollars and ninety-four cents is hereby declared to be the amount due." Amend further by striking out from the same section the words "amendatory to six hundred and sixty-three thousand one hundred and thirty-five dollars.

On motion of Mr. Staton, laid on the table.

Yeas 16, nays 13.

Yeas—Messrs. President, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin, Walker.

Nays—Messrs. Brewer, Bullock, Fleming, Griffin, Hill, Horn, Jemison Jones of Fayette, McIntyre, Mitchell, Stone, Wood, Woodward.

Mr. Jemison moved to amend as follows:

SEC.— Be it further enacted, That upon payment to the said Tennessee and Alabama Central railroad company for whatever work the said company may have done on their said



road, its full estimated cost for grading, material, &c., at the prices reported by John T. Milner, chief engineer, in his report printed by the present General Assembly, and all interest thereon at eight per cent. and paying also for the mules, fixtures, &c., at valuation, the State may, at any time within five years, be permitted to take all of said work, with the franchise of said road, with all its advantages and disadvantages, become the sole stockholder therein, and complete the same for and on account of the State of Alabama.

On motion of Mr. Staton, laid on the table.

Yeas 26, nays 6.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Fleming, Heflin, Higgins, Hill, Horn, Jackson, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Griffin, Jemison, Jones of Fayette, Rowe, Stone, Wood.

Mr. Jones of Fayette, moved to amend as follows:

Be it further enacted, That the sum of twenty-five thousand dollars of the three per cent. fund be, and the same is hereby appropriated to the Columbus and Fayetteville railroad company, upon said company giving security, to be approved by the Governor, that said appropriation shall be faithfully applied in building said road; and the controller of public accounts, upon such security being given, is hereby authorized to draw his warrant on the treasurer in favor of said company, for said sum.

On motion of Mr. President, laid on the table.

Yeas 20, nays 12.

Yeas—Messrs. President, Burnett, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Jackson, Jemison, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Fleming, Griffin, Hill, Horn, Jones of Fayette, McIntyre, Mitchell, Rowe, Stone, Wood.

Mr. Rowe moved to amend as follows:

Provided, That the question whether this State is legally bound to pay interest on the principal of this fund, shall be submitted by a proper case to be instituted for that purpose, to the decision of the supreme court of this State; and nothing shall be paid out of the treasury of this State on account of it until at least one of the companies desirous of obtaining it shall apply to said court and obtain a peremptory mandamus, requiring the treasurer to pay over said interest, or some portion thereof.

And on the hearing of said application, it is hereby made the duty of the attorney general of this State to represent and defend this State or the treasurer thereof, as the case may be against the liability to pay interest on said fund. And it shall be the duty of the attorney general to state all the facts within his knowledge or power to obtain, in regard to the past history and use of the principal of said fund by this State in making his return to the rule to show cause why the mandamus should not issue. And if on the hearing of said application, said supreme court should be of opinion upon the facts there stated, this State would not be liable to pay interest on the principal of said fund aside from the provisions of this act, then said mandamus shall be refused; but if of opinion, the State would be liable to the amount of interest here charged, then it shall issue and the treasurer shall then pay over according to the provisions of this act. And if less than this amount of interest should be paid them, the loans hereby provided for shall be reduced according to their respective amounts, and the mandamus shall go.

Mr. Stone moved the indefinite postponement of the bill and amendment.

Mr. Jemison moved to adjourn until half past 3 o'clock this afternoon.

Mr. Fleming moved to adjourn until 10 o'clock to-morrow, which was lost.

Yeas 5, nays 23.

Yeas—Messrs. Bullock, Fleming, Horn, McIntyre, Wood.

Nays—Messrs. President, Burnett, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Griffin, Heflin, Hill, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Woodward.

The Senate adjourned until half past three this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The question being on Mr. Staton's motion to indefinitely postpone the consideration of the bill and amendment.

Message from the House by Mr. Brewer:

#### House of Representatives, Feb. 14.

Mr. President: The House concurs in so much of the Senate's resolution as proposes that the two houses meet in joint convention on Thursday, the 16th instant, for the purpose of selecting a solicitor for the ninth judicial circuit, and amend it by adding that the elections for the trustees of the university, Adju-

tant General and Quarter Master General, shall take place at the same time.

Pending the discussion of Mr. Stone's motion.

The Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Feb. 15, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Cocke, the order of business was suspended, for the purpose of considering the House message in regard to the election of Solicitor for the ninth judicial circuit, &c.

Mr. Brewer moved to amend the amendment of the House to the resolution; by striking out so much as relates to the election of Adjutant-General, and that the election of Adjutant-General should take place the 18th inst.

Which was adopted, and the resolution was laid on the table.

On motion of Mr. Chilton, the further consideration of the business was suspended in order to take up the bill "to incorporate the Tuskegee railroad company."

Which was read three times, under a suspension of the rule, and passed; and ordered forthwith to the House.

Mr. Burnett: A bill for the relief of John E. McCrary, of Butler county.

Which was read twice.

Mr. Brewer moved to amend by adding the name of Jephtha Lea, of Coosa county.

Which was adopted.

Mr. Cocke moved to amend by adding the name of William Nelson, of Perry county.

Which was adopted.

Mr. Chilton moved to amend by adding the name of John F. Jones, of Macon county.

Mr. Calhoun moved to refer the bill and amendments to the committee on the judiciary.

Which was lost.

The bill was read a third time and passed.

Yeas 23, nays 8.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Chilton, Cleveland, Cocke, Griffin, Heflin, Higgins, Hill, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Melson, Staton, Stone, Toulmin and Walker.

Nays—Messrs. Bynum, Calhoun, Felder, McSpadden, Patton, Rowe, Wood and Woodward.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 15.

Mr. President: The House has concurred in the amendments of the Senate to the House "bill to re-organize and fix the times of holding the courts of chancery in the middle chancery division."

Also concurred in the amendments of the Senate to the Senate "bill to incorporate the Alabama Baptist State convention."

The House has passed the Senate bills—

To incorporate Haw Ridge Academy;

To amend and extend the charter of the East and West Alabama railroad company; also, that of the Wetumpka and Montevållo railroad company.

The House has originated and passed bills of the following titles:

To increase the fees of Coroners.

For the relief of the securities of C. S. Collins, deceased, late tax collector of Choctaw county.

For the relief of Eli S. Shorter, B. F. Treadwell, and other persons therein named.

To prevent the sale of vinous and spirituous liquors within one mile of Springville Academy, in St. Clair county.

The hour of 12 o'clock having arrived,

Mr. Bynum moved that the special order be postponed, to consider the three per cent. bill.

Which was carried.

Message from the Governor, by Mr. Phelan:

Executive Department, Feb. 15, 1860.

Gentlemen of the Senate: The lessee of the Penitentiary has called my attention to the fact that the State prison being so crowded with convicts that there are not enough of cells for their confinement, nor room enough within the walls to keep them at work according to his contract.

Your attention is called to the statements of the lessee, that they may be inquired into, and such provision made for remedying the evil as the legislature may deem necessary and proper.

Respectfully,

A. B. MOORE.

Mr. Burnett, from the committee on enrolled bills, reported as correctly enrolled the following:

To incorporate Haw Ridge Academy.

To incorporate the Alabama Baptist State Convention.

To amend and extend the charter of the East and West

Alabama railroad company; also, that of the Wetumpka and Montevallo railroad company.

The Senate then adjourned until this afternoon, half-past 3 o'clock.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The question pending being Mr. Stone's motion to indefinitely postpone the consideration of the bill and amendment of Mr. Rowe, which was under consideration at last adjournment.

The Senate refused to postpone.

Yeas 14, nays 17.

Yeas—Messrs. Brewer, Bullock, Burnett, Calhoun, Fleming, Griffin, Horn, Jemison, Jones of Fayette, McIntyre, Mitchell, Rowe, Stone, Wood.

Nays—Messrs. President, Bynum, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

When Mr. Hill's name was called, he asked leave to spread upon the journal the fact, that he agreed to pair off with Mr. Austin, who was unable to get to the Senate chamber without much danger and risk; he therefore asked leave to be excused from voting, which was granted. He was opposed to the bill.

The question recurred on the adoption of Mr. Rowe's amendment.

Which was lost.

Yeas 14, nays 18.

Yeas—Messrs. Brewer, Bullock, Burnett, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, McIntyre, Mitchell, Rowe, Stone, Wood.

Nays—Messrs. President, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Mr. Bullock moved to amend as follows:

"SEC. 18. *Be it further enacted*, That the appropriations herein contained for works of internal improvements are made in full satisfaction of all claims against the State of Alabama, of every description whatever, in respect to all the three per cent. fund received from Congress prior to the passage of this act."

Mr. Jones, of Greene, moved the previous question, and the question being, shall the main question be now put?

It was carried.

Yeas 18, nays 14.

Yeas—Messrs. President, Bynum, Chilton, Cleveland, Cocke,

Felder, Heflin, Higgins, Hill, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Calhoun, Fleming, Griffin, Horn, Jemison, Jones of Fayette, McIntyre, Mitchell, Rowe, Stone, Wood.

Mr. Jemison moved to adjourned until to-morrow morning, 10 o'clock.

Which was lost.

Yeas 10, nays 21.

Yeas—Messrs. Brewer, Bullock, Griffin, Horn, Jemison, Jones of Fayette, McIntyre, Mitchell, Stone, Wood.

Nays—Messrs. President, Burnett, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Hill, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Woodward.

Leave was granted Mr. Fleming, to have spread upon the journal the following as an amendment to the bill which he intended to have offered had not the previous question been sustained, to-wit:

Amend by striking out the words "six hundred and sixty-three thousand one hundred and thirty-five dollars," where they occur in the 8th section, and insert in lieu thereof the words "five hundred and sixty-three thousand one hundred and thirty-five dollars."

Amend by additional section:

SEC. — Be it further enacted, That the Winchester and Alabama railroad, after the lapse of five years from the passage of this act, be entitled to claim, and shall receive as a bonus, the sum of one hundred thousand dollars of the three per cent. fund, subject to all the qualifications, restrictions and limitations under which the Alabama Central railroad company obtain the five hundred and sixty-three thousand one hundred and thirty-five dollars mentioned in the 8th section of this act: Provided, That the sum of one hundred thousand dollars shall be used only on that portion of the road lying between Gunter's Landing and Fort Deposit, in constructing the bridge across the Tennessee river."

The bill was ordered to a third reading.

Yeas 17, nays 14.

Yeas—Messrs. President, Bynum, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Calhoun, Fleming,

Griffin, Horn, Jemison, Jones of Fayette, McIntyre, Mitchell, Rowe, Stone, Wood.

Mr. Calhoun moved to take up for consideration the bill and joint resolutions on the subject of the swamp lands, as amended by the House.

Mr. Burnett moved to amend the motion by adding: "and the resolution as amended by the House, in regard to the selection of a solicitor for the ninth judicial circuit."

The motion as amended, carried.

The Senate proceeded to consider the resolution.

Mr. Stone moved to amend the amendment of the House by striking out the words: "the Trustees of the University," and make it read: "One Trustee of the University of Alabama for the first judicial circuit, one for the second, three for the third, one for the fifth, one for the sixth, one for the eighth, one for the ninth, one for the tenth, and one for the eleventh."

The amendment was adopted.

On motion of Mr. Burnett, the vote by which his amendment in regard to the election of Adjutant General was adopted, was reconsidered.

The amendments of the House, as amended by Mr. Stone's amendment, was concurred in.

The bill to secure to the State of Alabama the benefits of an act of Congress, of Sept. 28, 1850, by which all the swamp and overflowed lands within her limits unsold at the passage of said act, were granted to her upon certain conditions therein named; and the joint memorial to Congress upon the same subject, as amended by the House, were referred to the committee on finance and taxation.

The Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, February 16, 1860.

The Senate met pursuant to adjournment.

The following bills were introduced:

Mr. Wood: a bill to incorporate the Henry Guards, Henry county.

Mr. Brewer: a bill to incorporate the South Alabama manufacturing company.

Also, a bill to incorporate the first Baptist Church in Wetumpka.

Mr. Cocke: a bill more effectually to secure and collect fines and forfeitures, and for other purposes.

Mr. Felder: a bill to amend the charter of the city of Montgomery.

All of which were severally read three times forthwith and passed.

Mr. Jones of Greene: a bill explanatory of, and supplemental to "An act to loan and appropriate the three per cent. fund," now pending in the Senate.

Mr. Higgins moved to refer the bill to the committee on the judiciary; which was lost.

On motion of Mr. Cocke, the bill was laid on the table, to consider the House "Bill to loan and appropriate the three per cent. fund and its interest."

The bill was read a third time and passed.

Yeas 17, nays 13.

Yeas—Messrs. President, Bynum, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Jackson, Jones of Greene, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Calhoun, Fleming, Griffin, Horn, Jemison, Jones of Fayette, Mitchell, Rowe, Stone, Wood.

Ordered forthwith to the House.

The "bill explanatory of, and supplemental to the act to loan and appropriate the three per cent. fund," now pending in the Senate,

Was taken from the table, read a third time and passed.

Yeas 30, nays none.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Griffin, Heflin, Higgins, Hill, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.

The caption was amended by striking out the words: "in the Senate."

Message from the House by Mr. Brewer:

House of Representatives, Feb. 16.

Mr. President: The House concurs in the amendment of the Senate to the House amendment to the resolution proposing that the two Houses meet in convention to-day for the purpose of electing a solicitor of the 9th judicial circuit, and amended the amendment of the Senate by adding: "one trustee for the fifth judicial circuit."

The House has passed the Senate bills:

To compensate Richard Norton, of Cherokee county, for services rendered the State;

For the relief of Green Loveless;



To prevent the adulteration and sale of adulterated liquors;  
 For the relief of certain persons therein named;  
 For the relief of the register of the chancery court of Sumter county.

The House has originated and passed bills of the following titles:

- To incorporate the town of Oxford, in Calhoun county;
- For the relief of Daniel K. Hunter, tax collector of Madison county;
- To authorize John S. Montague to erect a dam across Big Wills' creek;
- To prevent the sale of spirituous liquors within certain limits in the county of Madison;
- To continue the office of commissioner and trustee, and for other purposes;
- For the relief of William A. Wilson, of Coosa county;
- To incorporate the Southern fire-arms company;
- To incorporate the Mobile and Spring Hill railroad company;
- To prevent the people of this State from the payment of double tax in certain cases;
- To consolidate the offices of tax collector and assessor in Shelby county;
- To incorporate the male and female academy in the county of Walker;
- Requiring the presentation of claims against the county of Dale;
- To incorporate a cemetery in the county of Tuscaloosa;
- To incorporate the Montgomery mining and manufacturing company—mines located in Talladega county;
- To amend an act to incorporate the town of Union Springs;
- To incorporate the Montgomery plantation goods manufacturing company;
- To amend the charter of the Alabama and Georgia railroad company, approved January 19, 1850.

The Senate concurred in the amendment of the House to the resolution in regard to the election of Solicitor, Trustees of the University, &c.

Ordered that the House be informed of its concurrence.

Mr. Cocke introduced

A bill supplementary to "An act to loan and appropriate the three per cent. fund and its interest;" which was read twice and referred to a select committee composed of Messrs. Cocke, Chilton, and Jemison.

Mr. Brewer: a bill to amend section 171 of the Code; which

was read twice and referred to the committee on the judiciary.

The hour of 10 o'clock having arrived,

On motion of Mr. Cocke, the consideration of all the special orders was suspended, for the purpose of introducing bills, receiving reports, and considering the general orders.

Yeas 15, nays 12.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Cocke, Felder, Fleming, Jackson, Jones of Fayette, Jones of Greene, Nelson, Patton, Staton, Toulmin, Walker.

Nays—Messrs. Bynum, Calhoun, Chilton, Cleveland, Griffin, Heflin, Hill, Jemison, Rowe, Stone, Wood, Woodward.

Mr. Rowe presented the account of W. B. and A. R. Bell & Co.; also the account of White, Pfister & Co.; which were referred to the committee on accounts and claims.

Mr. Bullock, from the committee on the judiciary, reported favorably on the bills:

To amend section 1027 of the Code;

To provide for the payment of witnesses for the State in certain cases;

Both of which were severally read a third time and passed.

Also favorably to the bill

To amend section 3600 of the Code.

Mr. Jones, of Fayette, moved to amend as follows:

Provided, The provisions of this act shall not apply to indictments now pending.

Which was adopted.

On motion of Mr. Burnett, the bill was laid on the table.

Yeas 16, nays 12.

Yeas—Messrs. President, Brewer, Burnett, Bynum, Cleveland, Felder, Fleming, Griffin, Heflin, Higgins, Horn, Jemison, Jones of Fayette, McSpadden, Wood, and Woodward.

Nays—Messrs. Bullock, Calhoun, Chilton, Cocke, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, and Walker.

Mr. Brewer, from the committee on the penitentiary, made the following report:

The committee on the Penitentiary deems it useless to enter into detail upon all the facts pertaining thereto, as most of them may be obtained from the report of the Inspectors to the Governor; neither do they feel it necessary to relate all the defects pertaining to the building, etc., as the same has been often done by committees and the executive; suffice it to say, that notwithstanding time is said to cure all evils, in their recent visit they found it had failed to remedy those complained of by the

committee in their report to the House at the last session. There is still the same want of space for the deposit of materials for manufacture; for shops in which these materials are to be converted into articles of usefulness, and for the free circulation of the pure air of heaven, so necessary in the preservation of health. The number of convicts has increased, and are still doing so, while the cells remain the same in number, and there is now a deficiency of sixteen; yet the law is, that each convict shall be separately confined at night, and no discretion is given to the lessee, but he is required to receive all that are sent.

The present lessee, Dr. A. Burrows, has given the State a much better contract than it has hitherto had. He is discharging the duties which have devolved upon him in a manner that reflects honor upon his skill, enterprise, and humanity. Hampered, however, as he is by the narrow walls of the prison, he can neither make the institution profitable to himself or the State. If it were properly enlarged, the State would doubtless derive a much greater revenue therefrom than at present; for space being afforded of successfully employing the operatives, men of enterprise would vie with each other in the effort to secure it as a place for manufacturing.

The committee of the last session portrayed in strong colors the condition of those unfortunate females, who had imbedded their hands in crime, and in expiation of the offence had been interred within that living grave! Yet dismal as was the picture, the reality was more revolting! There were seven women immured in two small cells, from which their feet are not permitted to wander day or night: and this is the accommodation Alabama has prepared for her erring daughters, dictated by a humane policy. 'Tis the foulest blotch upon her otherwise fair escutcheon! Your committee ask, in the revered name of woman,—mother—that it be so no longer.

It is the opinion of a majority of the committee, in view of the fact that an enlargement of the walls must necessarily soon take place, and that the work would cost at least fifty thousand dollars, if let out to contractors, that after the present lease expires the State resume the control of the Penitentiary, and by her convict labor make the said improvements at less cost.

Though not friends of the system, the committee find it fastened upon them as the policy of the State, and seeing no practicable means of relieving ourselves therefrom, urge upon the General Assembly the necessity of speedily erecting a greater number of cells, and to this end report a bill.

GEO E. BREWER, Chairman.

A bill to be entitled an act to increase the number of cells in the State Penitentiary, and for other purposes; which was read twice.

Pending the consideration of which, the Senate was invited into the hall of the House for the purpose of going into the elections set for this day; and the Senate repaired to the hall of the House, when the two houses in joint convention proceeded to the election of a solicitor of the

#### 9TH JUDICIAL CIRCUIT.

Jno. G. Stokes, Jefferson Falkner, and Geo. P. Brown, being in nomination.

Those who voted for Mr. Brown, of Marion, are: Messrs. Brewer, Bullock, Calhoun, Chilton, Cleveland, Cocke, Higgins, Hill, Jones of Greene, McSpadden, Nelson, Staton, Toulmin, Walker, Wood, of the Senate; and Messrs. Abney, Aldridge, Bell, Bowen, Bowden, Bradley, Brooks, Bryan, Burgess, Bush, Carter, Chambers, Clayton, Easley, Fielder, Forney, Gibson, Gilchrist, Hale, Hudgins, Irby, Lloyd, Lowe, Parsons, Rice, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walker, Wright, Woods, of the House—47.

Those who voted for Mr. Stokes, of Tallapoosa, are: Messrs. President, Burnett, Felder, Fleming, Heflin, Horn, Jackson, Jones of Fayette, Patton, Rowe, Woodward, of the Senate; and Messrs. Speaker, Adams, Barlow, Bibb, Brown of Marion, Brown of Tuscaloosa, Calhoun, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Dark, Davis, Ferrell, Forsyth, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Knox, Lane, Latham, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Overall, Ramsey, Scott, Seay, Shepard, Slater, Smith of Coosa, Starke, Tait of Wilcox, Taylor, Walden of Coosa, Walden of Morgan, Warren, of the House—64.

Those who voted for Mr. Falkner, of Chambers, are: Messrs. Griffin, Jemison, Mitchell, Stone, of the Senate: and Messrs. Carlysle, Griffin of Marshall, Hubbard, Meadows, of the House.—8.

Mr. Stokes having received a majority of all the votes cast, was declared by Mr. Speaker to have been duly and constitutionally elected solicitor of the 9th judicial circuit, for and during the time prescribed by law.

The two houses in joint convention proceeded to elect Trustees of the University of the State of Alabama.

Hon. Porter King, of Perry county, alone being in nomination, and having received 115 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the first judicial circuit for the term prescribed by law.

The convention next proceeded to the election of trustee for the second judicial circuit.

Mr. Francis Bugbee alone being in nomination, and having received 111 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the second judicial circuit for the term prescribed by law.

The convention next proceeded to the election of three trustees for the third judicial circuit.

John S. Storrs of Shelby, John G. Ormond of Tuscaloosa, and Wm. S. Mudd of Jefferson, alone being in nomination. Mr. Mudd received 93 votes, Mr. Ormond 92 votes, Mr. Storrs 91 votes. [Mr. Higgins voted for Mr. Mudd and Mr. Ormond alone; Mr. Brown of Marion, of the House, voted for Mr. Mudd alone.] With these exceptions, the gentlemen named having received all the votes cast, Mr. Speaker declared them duly elected trustees, etc., of the third judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee of the fifth judicial circuit.

Mr. S. S. Scott, of Madison, alone being in nomination, and having received 100 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the fifth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee for the sixth judicial circuit.

Mr. Percy Walker, of Mobile, alone being in nomination, and having received 100 votes, the whole number cast, Mr. Speaker declared him duly elected trustee for the sixth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of trustee for the eighth judicial circuit.

Mr. E. C. Bullock, of Barbour, alone being in nomination, and having received 98 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the eighth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee for the ninth judicial circuit. Mr. Wm. C. McIver, of Macon, alone being nomination, and having received 96 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the ninth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee for the tenth judicial circuit. Mr. W. H. Forney, of Calhoun, alone being in nomination, and having received 88 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the tenth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee of the eleventh judicial circuit. M. Felix Tait, of Wilcox, alone being in nomination, and having received 94 votes, being the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the eleventh judicial circuit for the term prescribed by law.

Mr. Clitherall moved to adjourn until 3 P. M.

Lost.

The two houses in joint convention proceeded to elect a Quarter Master General for the State of Alabama. Frank L. Smith, Reuben Thom, and C. E. Evans, being in nomination.

Those who voted for Mr. F. L. Smith are, Messrs. Cocke, Griffin, Higgins, Hill, Horn, Jones of Fayette, Nelson, Patton, Stone, Toulmin, Walker, Wood, Woodward, of the Senate: and Messrs. Speaker, Adams, Aldridge, Bell, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Carter, Coleman, Cowan, Davidson, Easley, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Holley of Covington, Holley of Tallapoosa, Knox, Lane, Latham, Lowe, Mabry, Martin, Musgrove, Oats, Overall, Ramsey, Rice, Scott, Seay, Shepard, Thomas, Walden of Morgan, Walker, Warren, of the House.—52,

Those who voted for Mr. Reuben Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Jackson, Jemison, Jones of Greene, McSpadden, Staton, of the Senate: and Messrs. Abney, Bowden, Brooks, Chambers, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Neal, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, Whitfield, of the House.—37,

Those who voted for Mr. C. E. Evans are, Messrs. Heflin, Rowe, of the Senate: and Messrs. Bibb, Calhoun, Clapp, Clifton, Dark, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Herren of Tallapoosa, Hightower, Humphries, McMurry, Meadows, Smith of Coosa, Tate of Macon, Thornton, Walden of Coosa, Wood, of the House.—23.

No one having received a majority of all the votes cast, the two houses in joint convention proceeded again to ballot the second time.

Those who voted for Mr. F. L. Smith are, Messrs. Cocke, Griffin, Hill, Horn, Jones of Fayette, Nelson, Patton, Stone, Toulmin, Walker, Wood, Woodward, of the Senate: and Messrs. Speaker, Adams, Aldridge, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Cowan, Easley, Griffin of Marshall, Hardwick, Herman, Holley of Tallapoosa, Knox, Lane, Latham, Lowe, Martin, Musgrove, Oats, Ramsey, Rice, Scott, Shepard, Slater, Thomas, Walden of Morgan, Walker, Warren, Whitfield, of the House.—44.

Those who voted for Mr. Reuben Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Jackson, Jamison, Jones of Greene, McSpadden, Staton, of the Senate: and Messrs. Abney, Bell, Bowen, Brooks, Chambers, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Mabry, Neal, Overall, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, of the house.—39.

Those who voted for Mr. C. E. Evans are, Messrs. Heflin, Higgins, Mitchell, Rowe, of the Senate: and Messrs. Bibb, Burgess, Calhoun, Clapp, Clifton, Dark, Davidson, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Herren of Tallapoosa, Hightower, Holley of Covington, Humphries, McMurry, Meadows, Smith of Coosa, Tate of Macon, Thornton, Walden of Coosa, Wright, Woods, of the House.—30.

After the second ballot various motions were made to adjourn.  
Lost.

No one having received a majority of all the votes cast, the two houses proceeded to ballot the 3d time.

Those who voted for Mr. Smith are, Messrs. Cocke, Hill, Horn, Jones of Fayette, Nelson, Patton, Staton, Stone, Toulmin, Wood, Woodward, of the Senate; and Messrs. Speaker, Adams, Aldridge, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Cowan, Davidson, Easley, Griffin of Marshall, Hardwick, Herman, Holley of Tallapoosa, Lane, Latham, Lowe, Martin, Musgrove, Oats, Ramsey, Seay, Shepard, Slater, Walden of Morgan, Walker, Warren, of the House.—39.

Those who voted for Mr. Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Felder, Fleming, Jackson, Jamison, Jones of Greene, McSpadden, of the Senate; and Messrs. Abney, Bell, Bowen, Brooks, Chambers, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Mabry, Neal, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, of the House.—36.

These who voted for Mr. Evans are, Messrs. Griffin, Heflin, Higgins, Mitchell, Rowe, of the Senate; and Messrs. Bibb, Calhoun, Clapp, Clifton, Dark, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Herren of Tallapoosa, Hightower, Holley of Covington, Humphries, McMurry, Meadows, Overall, Rice, Smith of Coosa, Tate of Macon, Thomas, Hightower, Holley of Covington, Humphries, McMurry, Meadows, Overall, Rice, Smith of Coosa, Tate of Macon, Thomas, Walden of Coosa, Whitfield, Wright, Woods, of the House.—31.

After the 3d ballot several motions were made to adjourn.

Lost.

No one having received a majority of all the votes cast, the two houses proceeded to the 4th ballot.

Those who voted for Mr. F. L. Smith are, Messrs. Cocke, Horn, Jones of Fayette, Nelson, Stone, Toulmin, Walker, Wood, Woodward, of the Senate; and Messrs. Speaker, Adams, Aldridge, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Easley, Griffin of Marshall, Herman, Holley of Tallapoosa, Knox, Latham, Lowe, Martin, Musgrove, Oats, Overall, Ramsey, Scott, Shepard, Slater, Walden of Morgan, Warren, Wright, of the House.—35.

Those who voted for Mr. Reuben Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Hill, Jackson, Jemison, Jones of Greene, McSpadden, Patton, of the Senate; and Messrs. Abney, Bell, Bowen, Brooks, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Irby, Mabry, Neal, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, Walker, Whitfield, of the House.—39.

Those who voted for Mr. C. E. Evans are, Messrs. Griffin, Heflin, Higgins, Mitchell, Rowe, Staton, of the Senate; and Messrs. Bibb, Calhoun, Chambers, Clapp, Clifton, Cowan, Dark, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Hudgins, Humphries, Lane, McMurry, Meadows, Rice, Smith of Coosa, Tate of Macon, Thomas, Thornton, Walden of Coosa, Woods, of the House.—36.

No one having received a majority of all the votes cast, the two houses proceeded to the fifth ballot, the name of Mr. Smith being withdrawn.

Those who voted for Mr. Thom were, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Cocke, Fielder, Fleming, Hill, Jackson, Jemison, Jones of Greene, McSpadden, Nelson, Patton, Staton, Stone, Toulmin, Wood, of the



Senate; and Messrs. Speaker, Abney, Aldridge, Bell, Bowen, Brooks, Bryan, Carlyle, Carter, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Huckabee, Irby, Mabry, Neal, Overall, Parsons, Ramsey, Scott, Shepard, Slater, Smith of Lauderdale, Starke, Tait of Wilcox, Taylor, Walker, Warren, Whitfield, of the House.—58.

Those who voted for Mr. Evans were, Messrs. Griffin, Heflin, Higgins, Horn, Jones of Fayette, Rowe, Woodward, of the Senate; and Messrs. Adams, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Calhoun, Chambers, Clapp, Clifton, Cowan, Dark, Davidson, Easley, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Knox, Lane, Latham, Lowe, Martin, McMurry, Meadows, Musgrove, Oats, Rice, Smith of Coosa, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Wright, Woods, of the house.—54.

Mr. Thom having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected Quartermaster General for and during the time prescribed by law.

After the election of Quartermaster General, a motion was made to adjourn until 10 o'clock to-morrow, and until 4 o'clock P. M.

Lost.

The two houses in joint convention proceeded to vote for Adjutant General for the State of Alabama; S. P. NeSmith and Thos. E. McIver being in nomination.

Those who voted for Mr. McIver are, Messrs. Calhoun, Cocke, Griffin, Hill, Woodward, of the Senate; and Messrs. Speaker, Bradley, Huckabee, Irby, Mabry, Meadows, Tait of Wilcox, Walker, Wright, Woods, of the house.—15.

Those who voted for Mr. S. P. NeSmith are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Cleveland, Felder, Fleming, Heflin, Higgins, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, of the Senate; and Messrs. Abney, Adams, Aldridge, Bell, Bowen, Bowden, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Calhoun, Carter, Chambers, Clayton, Clifton, Clitherall, Cooper, Cowan, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tal-

lapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Knox, Lane, Latham, Lowe, Martin, McMurry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Warren, Whitfield, of the house.—90.

Mr. NeSmith having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected Adjutant General for the State of Alabama, for and during the time prescribed by law.

When the Senate withdrew to its chamber.

On motion of Mr. Walker, the further business of the Senate was suspended for the purpose of considering the House bill for the improvement of the bay and harbor of Mobile.

Whereupon the bill was read twice, and referred to the committee on internal improvements.

The Senate then adjourned until to-morrow morning 10 o'clock.

FRIDAY, February 17, 1860.

The Senate met pursuant to adjournment.

Mr. Jones of Greene, introduced

A bill to amend the charter of the Uniontown and Jackson railroad company, which was read three several times and passed.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled, bills of the following titles :

For the relief of the register of the chancery court of Sumter county ;

For the relief of certain persons therein named ;

To compensate Richard Norton, of Cherokee county, for services rendered the State ;

For the relief of Greene Loveless ;

To enable the people of Pickens county to more permanently locate the seat of justice of said county, and for other purposes ;

To prevent the adulteration and sale of adulterated liquors.

The reports from committees being in order, the Senate proceeded to the consideration of the bill reported by the committee on the penitentiary, to increase the number of cells in the State penitentiary, and for other purposes.

Mr. Brewer offered a substitute for the bill with the following title :

To enlarge the penitentiary, and for other purposes.

On motion of Mr. Bynum, the substitute was laid on the table.

Yeas 24, nays 3.

Yeas—Messrs. President, Bynum, Calhoun, Chilton, Cocke, Felder, Fleming, Heflin, Higgins, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Brewer, Hill, Mitchell.

Mr. Cocke moved to amend as follows.

Add after the word "cells," "and extend the walls of the enclosure of the." Which,

On motion of Mr. Fleming, was laid on the table.

Mr. McIntyre moved to amend as follows:

Strike out the word "ten," where it occurs in the second line of the first section, and insert in lieu thereof "fifty." Which,

On motion of Mr. Woodward, was laid on the table.

Mr. Felder moved to amend as follows:

Amend first section, "that the commissioner shall be paid for his services such sum as the Governor shall think just, out of this appropriation." Strike out and the inspectors of the Penitentiary."

These amendments were adopted, and the constitutional rule being dispensed with.

The bill was read a third time and passed.

Yeas 19, nays 10.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Chilton, Cocke, Felder, Griffin, Heflin, Horn, Jackson, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Toulmin, Wood.

Nays—Messrs. Calhoun, Fleming, Higgins, Hill, McSpadden, Rowe, Staton, Stone, Walker, Woodward.

The hour of 11 o'clock having arrived, the special orders set for that hour were taken up, the first being the House "bill to incorporate the Mountain Railroad Contracting Company."

Which was ordered to a third reading.

Mr. Walker's report from the judiciary committee, to the "bill to fix the compensation of judges of the circuit court," was concurred in.

Yeas 16, nays 14.

Yeas—Messrs. President, Bynum, Felder, Fleming, Heflin, Higgins, Hill, Jackson, Jones of Fayette, Mitchell, Patton, Rowe, Staton, Stone, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Calhoun, Chilton, Cocke, Griffin, Horn, Jemison, McIntyre, McSpadden, Nelson, Toulmin, Wood.

Message from the House, by Mr. Brewer.

House of Representatives, Feb. 17;

Mr. President: The House has originated and passed the following bills:

To authorize George W. Thrash, of Greene county to erect gates across certain roads therein named.

For the relief of W. W. Waller, trustee of E. A. L. Waller.

To authorize an extension of certain sixteenth section notes, in township 12, range 6, in Cherokee county.

To incorporate the Talladega Exchange.

To carry into effect an act of Congress, approved 22d January, 1854, authorizing the selection of lands of sixteenth sections within the twelve miles square reservation in the State of Alabama.

To make an appropriation to supply the Insane Hospital with furniture; and to prepare it for the reception and treatment of patients.

To amend section 499 of the Code, so far as Lauderdale county is concerned.

For the relief of the tax collector of Covington county.

To incorporate the "Marion Rifles," and other military companies therein named.

To compensate Dr. F. H. Newman, *et al.* for a *post mortem* examination in aid of public practice.

To amend an act entitled "an act to incorporate the South and North Alabama railroad company."

To provide for the burial expenses of the poor.

To incorporate the Commercial College of Montgomery.

To amend an act to incorporate the East Alabama Male College at Auburn, in Macon county.

To prevent the sale of spirituous liquors within three miles of the town of Triana, Madison county.

To incorporate the Cahaba Insurance company.

To amend an amendatory act, approved February 9, 1856, of an act to incorporate the town of Athens, approved January 15th, 1828.

To amend the road laws in Washington county.

To amend an act, approved 4th February, 1845, amendatory of an act approved 16th December, 1859, to incorporate the town of Troy.

To amend section 2673 of the Code, in relation to mechanics' liens, so far as the same relates to Montgomery county.

For the relief of John C. Spotswood, of Madison county.

For the relief of Washington C. McMahon.

To compensate Seth Mabry, J. C. Haley, and Aaron Willis,

for money expended by them in arresting a fugitive from justice.

For the relief of the heirs of Thomas Brewer, deceased, late of Fayette county.

To authorize the erection of water-grist mills which grind for toll.

To authorize the Governor to issue a patent in a certain case.

The next special order being the report of Mr. Bullock, from the judiciary committee, on the "bill to repeal the laws in the State of Alabama securing to married women their separate estates."

Mr. Bynum moved to lay the bill and report on the table; which was carried.

Yeas 25, nays 5.

Yeas—Messrs. Brewer, Bynum, Calhoun, Chilton, Cocke, Felder, Fleming, Griffin, Heflin, Hill, Horn, Jackson, Jemison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Patton, Staton, Stone, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. President, Bullock, Higgins, Jones of Greene, Rowe.

The next special order being the "bill to loan and appropriate the three per cent. fund and its interest."

On motion of Mr. Brewer, the bill and amendments were laid on the table.

The next special order, being the "bill to render available the two-fifths of stock reserved to the State in the several banking institutions chartered by this State;" the question being upon the adoption of the substitute reported by the committee.

Mr. Jemison moved to amend as follows:

"SEC. — Be it further enacted, That in all sales of stock under the provisions of this act, the commissioner and trustee shall take from the party purchasing a bond, with good and sufficient security, to indemnify the State against any liability or loss on account of said stock so sold."

Adopted.

Mr. Felder moved to indefinitely postpone the consideration of the bills and amendments; which was lost.

Yeas 5, nays 21.

Yeas—Messrs. President, Brewer, Calhoun, Felder, Fleming.

Nays—Messrs. Bullock, Bynum, Cleveland, Griffin, Heflin, Higgins, Hill, Horn, Jemison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.

Mr. Felder moved to amend as follows:

After the word "sell" in second line, second page, insert the words "at not less than par and," which was adopted.

The bill was read a third time and passed.

Yeas 22, nays 7.

Yeas—Messrs. Bullock, Bynum, Cleveland, Griffin, Heflin, Higgins, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. President, Brewer, Calhoun, Chilton, Felder, Fleming, Nelson.

Leave of absence was granted to Messrs. Burnett and Chilton.

Mr. McIntyre asked leave to record his vote upon the bill "to loan and appropriate the three per cent. fund and its interest," which was granted; whereupon he voted nay.

He also asked that the journal should show that he was detained from the Senate chamber by sickness when that bill passed.

Mr. Cleveland asked leave to record his vote on the motion to lay on the table the "bill to repeal the laws of this State securing to married women their separate estates;" which was granted.

Whereupon, he voted yea.

The Senate adjourned until 3 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Calhoun, the Senate proceeded to the consideration of the messages from the House.

Whereupon, the following bills from the House were read three several times, the constitutional rule being dispensed with and passed.

To charter the Planters' and Merchants' Insurance company of Selma.

To make valid in law certain proceedings of the qualified voters of the city of Tuscaloosa therein named.

To amend the charter of the North-East and South-West railroad company.

To incorporate the Lauderdale Manufacturing company.

To incorporate the Pleasant Hill Academy, in Barbour county.

Incorporating the male and female academy at Glennville, Barbour county.

To graduate and fix the fees of the judge of probate of Barbour.

To incorporate Wellborn Academy, in Russell county.

For the relief Isaac Franks and Tyrece Franks, of Marion county.

To amend the charter of the Shelby lime company.

To renew and amend the charter of the Merchants' Insurance company of the city of Mobile.

To authorize Dennis Springer to construct a turnpike across Sipsey river.

In relation to the hunting of wild hogs in the county of Butler and other counties.

To incorporate the Fairmount Baptist Church, in Covington county.

To define the liabilities of the Mobile and Girard railroad company.

To incorporate New China Grove, in the county of Pike.

To prohibit the sale of intoxicating liquors within the distance of three miles from Robinson Springs, and for other purposes.

To incorporate the town of Pikeville, in the county of Marion.

To authorize railroad companies to execute mortgages, deeds of trust, and other securities, &c.

To incorporate the town of Perote, in Pike county.

To extend and define the corporate limits of the city of Selma.

To incorporate the Huntsville Gas company.

To incorporate the Walker Springs company, of Clarke county.

To establish a medical board in the county of Franklin.

To amend an amendatory act approved February 9, 1856, of an act to incorporate the town of Athens, approved January 15th, 1828.

To prevent the sale of spirituous liquors within two miles of Salem Baptist Church, in Jefferson county.

For the relief of Chapman Roberts, late tax collector of the county of Lawrence.

To amend an act to charter the Alabama Insurance company, approved February 8th, 1858.

For the relief of Washington T. May.

For the relief of the executors of John Bloodgood, (late of Mobile) deceased.

To repeal in part an act therein named.

To increase the fees of coroners.

For the relief of the securities of C. S. Collins; deceased, late tax collector of Choctaw county.

To incorporate the Cahaba Insurance company.

To incorporate Perote male and female high school.

For the incorporation of Six Mile Town.

To regulate the road law in Walker county.

To prevent the sale of spirituous liquors within one mile of Ellitsville, in Shelby county.

To settle the term of office of the county treasurer of Marshall county.

To prohibit the sale of spirituous and intoxicating liquors within one mile of Perryville female academy, in Perry county.

To authorize the court of county commissioners of Barbour county to refund a certain sum of money to Abner C. Flewellen.

To regulate tolls on the Monte Sano Turnpike company.

To give the judge of probate of Pike county jurisdiction of the estate of William B. Kyle, late of Montgomery county.

To regulate the sale of spirituous liquors in and near the town of Villula.

To amend the charter of the city of Selma.

For the relief of John Irwin.

The Senate concurred in the amendments made by the House to the bills—

For the preparation of a revised code of the statute laws of the State of Alabama, of a general and public nature.

Authorizing the qualified voters of each county to elect a tax assessor for the term of two years.

To fix the times of holding the circuit courts for the 7th judicial circuit.

To establish a board of Botanic Physicians in the county of Blount.

To increase the pay of jurors in the county of Montgomery.

To prevent the game of "Keno."

The House bill "to incorporate the Livingston Insurance company," was read twice.

Mr. Woodward moved to amend as follows:

"Strike out all in the 13th section from the word "provided," in 4th line to the word "and" in the 9th line inclusive; which was adopted.

Also, to amend by adding at the end of the same section the following:

"Provided, That this charter shall expire at the end of fifteen years from the passage of this act."

Which was adopted, and the bill was read a third time and passed.

The House bill "to establish the Coosa county medical board" was read twice.

Mr. Brewer moved to amend, by striking out "F." from the name of B. F. Smith and inserting "T." in the first section. Also, strike out "H. McKenzie," and insert "J. L. Gilder."



Which was adopted, and the bill read a third time and passed.

The House "bill to increase the compensation of bailiffs in certain counties therein named," was read twice.

Mr. Heflin moved to amend by inserting the county of Randolph.

Mr. Griffin moved to amend by inserting the county of Russell.

Both of which were adopted, and the bill was read a third time and passed.

The House bill to revive and amend the charter of the Western railroad company was,

On motion of Mr. Felder, laid on the table.

The bill more effectually to secure subordination among slaves in the county of Shelby, by requiring the owner or white agent to reside with them, was read three times, and

On motion of Mr. Nelson, was laid on the table.

The House bill to amend an act to incorporate the town of Huntsville;

The House bill to incorporate the Montgomery mounted rifles, was read twice and referred to the committee on the military.

The House bill to incorporate the Montgomery and Selma railroad company was read twice and referred to a select committee, composed of Messrs. Calhoun, Felder, and Mitchell.

The House bill to compensate G. T. Yelverton, commissioner to negotiate for the cession of West Florida, was read twice.

Mr. McSpadden moved to refer the bill to the committee on accounts and claims, which was lost.

On motion of Mr. Bullock, the vote was reconsidered, and the bill referred to the committee on accounts and claims.

The House bill to make an appropriation to supply the Insane Hospital with furniture, and to prepare it for the reception and treatment of patients, was read twice and referred to a select committee, consisting of Messrs. Patton, Jones of Greene, and Calhoun, with instructions to report to-morrow.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, Feb. 18, 1860.

The Senate met pursuant to adjournment.

The following protest was presented by Mr. Bullock:

The undersigned members of the Senate of the State of Alabama, at the session of 1859-60, protest against the passage of a

bill to be entitled an act to loan and appropriate the three per cent. fund and its interest for the following reasons :

1st. Because the allegation in the first section of said bill that the sum of eight hundred and fifty-eight thousand four hundred and ninety-eight dollars is due, as principal and interest from the State to the three per cent. fund, is, in point of fact, untrue.

2d. Because the principal portion of said sum so alleged to be due, consists of interest when the State is, in the opinion of the undersigned, not bound, either in law, equity, or conscience, to pay interest on said sum, or any part thereof.

3d. Because interest is not only calculated upon that portion of said fund alleged to have been used by the State, but also upon what is conceded to have been always kept specially subject to the uses for which said fund was created, as will more fully appear from the following letter from the State Treasurer :

TREASURER'S OFFICE,  
Montgomery, Ala., Feb. 6, 1860. }

SIR:—In answer to your inquiries in reference to the three per cent fund, I have to state that all receipts for the credit of this fund since the 27th January, 1848, amounting to the sum of \$147,445.40, have been held subject alone to warrants drawn specifically upon it; that no portion of the said amount (of \$147,445.40) has been paid over to the commissioner and trustee for the use of the State, or been used for any other purpose than to pay warrants for appropriations, made for purposes of internal improvement or railroad surveys, and that the same has been held for payment of warrants for this purpose, and no other.

Very respectfully,

Your obedient servant,

D. B. Graham,  
State Treasurer.

HON. N. JEMISON, of the Senate.

4th. Because said appropriation of interest not warranted by law, usage, or equity, can be justly regarded in no other light than as aid by the State to the several railroad companies, who are its beneficiaries, and an ultimate donation to a private stock company; and because nearly all the undersigned are opposed to State aid on principle, while all of them concur in condemning a measure by which it is in their judgment indirectly obtained by means of an unfounded claim.

5th. Because the passage of said bill was secured by a combination of railroad and other interests in favor of a series of appropriations, scarcely one of which could have commanded suc-

cess on its own merits or as an independent proposition ; and because such combinations are indefeasible in principle and full of danger to the future legislation of the State.

6th. Because appropriations were notoriously made in said bill to certain enterprises, in consideration of the number of votes that could thus be gained for the bill, while they were denied to others equally meritorious, because no strength could thus be added to the bill ; and because the tendency of such legislation is demoralizing, and its ultimate effect will be to deliver over the government of the State to the control of a combination of corporations.

7th. Because the exigencies of the times and the possible, if not probable, contingencies of the future, render the present a most unpropitious time for the wholesale depletion of the treasury, which must follow the passage of the bill.

For these and other reasons which might be enumerated, the undersigned do hereby most solemnly protest against the passage of said bill, and respectfully request that this their protest be spread upon the journal of the Senate.

|                   |                 |
|-------------------|-----------------|
| E. B. Bullock,    | E. L. McIntyre, |
| R. Jemison,       | W. Wood,        |
| Robert Mitchell,  | John Rowe,      |
| Lewis M. Stone,   | Daniel H. Horn, |
| Elliott P. Jones, | A. B. Griffin.  |
| Geo. E. Brewer.   |                 |

I concur in the foregoing, except I believe the State is bound for a portion of the interest.

GEORGE HILL.

On motion of Mr. Calhoun, the vote by which the bill to incorporate the Montgomery and Selma railroad company was referred to a select committee was reconsidered, and the bill read a third time and passed.

Ordered forthwith to the House.

On motion of Mr. Horn, the consideration of the House messages was suspended for the purpose of receiving reports from the committee on accounts and claims.

Whereupon Mr. Horn reported favorably upon the bill to compensate G. T. Yelverton, commissioner to negotiate for the cession of West Florida.

Mr. Staton moved to strike out "\$4,360" and insert "\$3,860," which was lost.

Yeas 5, nays 25.

Yeas—Messrs. Calhoun, Heflin, McSpadden, Staton, Toulmin.

Nays—Messrs. President, Brewer, Bullock, Bynum, Chilton, Cleveland, Cocke, Felder, Fleming, Griffin, Higgins, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Stone, Walker, Wood, Woodward.

The bill was read a third time and passed.

Yeas 22, nays 6.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Chilton, Cleveland, Cocke, Felder, Fleming, Griffin, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Stone, Walker, Wood, Woodward.

Nays—Messrs. Calhoun, Heflin, Higgins, McSpadden, Staton, Toulmin.

Mr. Rowe, from the same committee, to whom was referred the accounts of of W. B. and A. R. Bell & Co., White, Pfister & Co., and N. Becker, reported a bill to pay W. B. and A. R. Bell & Co., White, Pfister & Co., and N. Becker; which was read three times forthwith and passed.

Ordered forthwith to the House.

On motion of Mr. Patton, the further consideration of the House messages was suspended for the purpose of allowing him to make a report from a select committee.

Whereupon Mr. Patton reported favorably to the House bill to make an appropriation to supply the Insane Hospital with furniture, and to prepare it for the reception and treatment of patients.

The bill was read a third time and passed.

Ordered forthwith to the House.

On motion of Mr. Jemison, the Senate bill of same title was taken from the special orders; when he moved to amend the bill by striking out the first two sections, which was carried.

The bill was read a third time and passed.

The caption was amended by inserting after the word "act" the words "supplemental to an act."

Ordered forthwith to the House.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 18.

Mr. President: The House has originated and passed bills of the following titles:

To authorize the city of Montgomery to take stock in the South and North Alabama Railroad Company, and in the Bank of Alabama;

To incorporate the Jacksonville Insurance Company;

To amend an act to regulate the fees of the judge of probate for Lowndes and Macon counties;

In exercise of the police power of the State, and for the protection of the people and interest of the State of Alabama.

The House has amended, as therein shown, and passed the Senate bills:

To provide for an efficient military organization for the State of Alabama;

To prevent the unauthorized sale of lottery tickets in the State of Alabama.

The House has originated and passed the following joint resolution:

Resolved by the House of Representatives, [the Senate concurring,] That the two Houses of the General Assembly adjourn *sine die* on Monday, 27th inst., at 12 o'clock M.

On motion of Mr. Cocke, the business before the Senate was suspended, for the purpose of considering the foregoing resolution from the House, in regard to the adjournment, *sine die*, of the General Assembly.

The resolution was concurred in, and ordered that the House be informed of the fact.

The House bills:

To authorize the Governor to deliver up certain lands therein named;

For the relief of Daniel K. Hunter, tax collector of Madison county;

To repeal an act approved December 3, 1857, entitled "An act to lay off Benton county into commissioners' districts, and for other purposes," so far as said act relates to the county of Calhoun;

Were severally read three times forthwith and passed.

The bill to incorporate the Southern Guards, of Dallas county, was read twice.

Mr. Mitchell moved to amend by striking out the words: "tents and camp equipage," in the last section; which was adopted, and the bill read a third time and passed.

The bills:

For the relief of the executors of John C. Waters;

To authorize John Varner and others to continue fish traps on Coosa river;

Were severally read twice and referred to the committee on the judiciary.

On motion of Mr. Rowé, the further consideration of the House messages was suspended; for the purpose of considering the bill among the special orders, "For the relief of Brittan

& DeWolf," and also to allow the committee on internal improvements to report.

Whereupon, the bill for the relief of Brittan & DeWolf was read a third time and passed.

Yeas 19, nays 5.

Yeas—Messrs. President, Bullock, Chilton, Cleveland, Felder, Griffin, Heflin, Higgins, Hill, Horn, Jones of Fayette, Jones of Greene, Nelson, Patton, Rowe, Staton, Toulmin, Walker and Wood.

Nays—Messrs. Brewer, Bynum, Calhoun, Fleming, and McSpadden.

Mr. Jones of Greene, from the committee on internal improvements, reported favorably to the bill from the House "For the improvement of the bay and harbor of Mobile."

Mr. Wood moved to strike out the 7th section of the bill; which was lost.

The bill was read a third time and passed.

Yeas 24, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Chilton, Cleveland, Cocke, Felder, Heflin, Higgins, Hill, Horn, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Fleming, Griffin, Stone, Wood.

On motion of Mr. Calhoun, the further reception of reports from committees was suspended, to consider the House messages.

Mr. Cleveland moved to adjourn until 10 o'clock, Monday.

Mr. Calhoun, to adjourn till 3 o'clock this afternoon.

Both of which motions were lost.

The Senate refused to concur in the amendment made by the House to the "Bill to increase the pay of witnesses in the county of Montgomery."

The bill for the protection of voters in the counties of Russell and Chambers, was read twice.

Mr. Jones of Fayette, moved to strike out the county of Russell; which was adopted, and the bill read a third time and passed.

The caption was amended so as to read: "the county of Chambers."

The Senate bill, as amended by the House, to compensate solicitors for the State of Alabama for the litigation between Georgia and Alabama in respect to the boundary lines between said States, was laid on the table.

Mr. Weaver, from the committee on enrolled bills, reported as correctly enrolled the following:

To establish a board of Botanic Physicians in the county of Blount;

To provide for the preparation of a revised Code of the statute laws of Alabama, of a general and public nature;

To fix the times of holding the circuit courts for the seventh judicial circuit;

To exempt certain property from levy and sale;

Authorizing the qualified voters of each county to elect a tax assessor for the term of two years;

To prevent the game of "keno," and other games.

On motion of Mr. Calhoun, leave of absence was granted Mr. Jackson.

On motion of Mr. Felder, leave of absence was granted Mr. Griffin.

Mr. Horn moved to adjourn till half past 3 o'clock this afternoon.

Mr. Cocke moved to adjourn till 10 o'clock, Monday morning; which was carried.

Yeas 13, nays 12.

Yeas—Messrs. President, Bullock, Bynum, Chilton, Cocke, Fleming, Griffin, Hill, Horn, Jones of Fayette, McSpadden, Mitchell, Stone.

Nays—Messrs. Brewer, Calhoun, Felder, Jones of Greene, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, Woodward.

MONDAY, February 20, 1860.

The Senate met pursuant to adjournment.

Mr. Wood introduced a bill to extend the operation of section 2 of "An act to amend section 397 of the Code," approved February 18, 1854, to the county of Dale.

Mr. Cocke: a bill in reference to the sale of sixteenth sections.

Which bills were read three times and passed.

Mr. Felder: a bill to amend section 2313 of the Code; which was read twice and referred to the committee on the judiciary.

Mr. Felder: a bill to ascertain the sense of the people in regard to abolishing the Penitentiary; which was read three times, and

On motion of Mr. Patton, was referred to the committee on the Penitentiary.

Yeas 13, nays 9.

Yeas—Messrs. President, Bynum, Cleveland, Cocke, Fleming, Heflin, Higgins, Jones of Fayette, Nelson, Patton, Stone, Toulmin, Walker.

Nays—Messrs. Brewer, Bullock, Calhoun, Felder, Hill, Jones of Greene, Staton, Wood, Woodward.

Mr. Patton presented the account of E. M. Spaulding; which was referred to the committee on accounts and claims.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following:

To legalize the establishment of Beat No. 19, in the county of DeKalb;

To amend the patrol law of Pickens county;

To authorize the corporation of Selma to appoint port wardens and inspectors;

To amend the attachment law in the State of Alabama;

To provide for the military education from each county in the State of Alabama;

To authorize William C. Davis, administrator of the estate of Thomas C. Davis, deceased, to sell certain lands therein named;

For the relief of the legatees of Marcus A. Flournoy, deceased;

To incorporate the Aberfoil academy, in the county of Macon;

To legalize the late election of clerk of the circuit court of Winston county;

To amend the charter of Howard College, at Marion, Alabama;

To compensate E. M. Hastings, A. G. Hallmark, William H. Benson, and Jacob Myer, for services rendered the State of Alabama;

For the relief of Sowell Jennings, late tax collector of the county of Morgan;

To revive and amend an act to incorporate the West Point, Georgia, and Tennessee railroad company;

To authorize the Governor to issue to the heirs of Terry Bradley, deceased, of Lauderdale county, patents for certain lands therein described;

An act and joint memorial upon the subject of the sections of public lands to aid in the construction of the Girard and Mobile railroad.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 20.

Mr. President: The House has passed the Senate bills:—

To authorize William C. Davis, administrator of the estate of Thomas C. Davis, deceased, to sell certain lands therein named;

To amend the charter of Howard College, at Marion, Alabama;



To legalize the establishment of Beat No. 19, in the county of DeKalb ;

To authorize the corporation of Selma to appoint port wardens and inspectors ;

To authorize the Governor to issue to the heirs of Terry Bradley, deceased, of Lauderdale county, patents for certain lands therein described ;

To amend the attachment laws in the State of Alabama ;

For the relief of the legatees of Marcus A. Flournoy, deceased ;

To incorporate the Aberfoil academy in the county of Macon ;

To amend the patrol law of Macon county ;

To legalize the late election of clerk of the circuit court of Winston county ;

To revive and amend an act to incorporate the West Point, Georgia and Tennessee river railroad company ;

To compensate E. M. Hastings, A. G. Hallmark, William H. Benson and Jacob Myer for services rendered the State ;

Joint memorial on the subject of sections of public lands to aid in the construction of the Girard and Mobile railroad ;

To give jurisdiction to the chancery court of Madison county to authorize Charles H. Patton, trustee for Kate Moore, and guardian for Samuel Moore, to do certain things therein named ;

To define and establish the boundary line between the counties of Mobile and Washington, in this State ;

To provide for the military education of two young men from each county in the State of Alabama ;

To incorporate the Carrollton and Eutaw Railroad company.

The House concurs in the Senate amendments to the House bills :

To incorporate the Troy railroad company ;

To enable Ned Adkins, and other free persons of color therein named, to become slaves ;

To incorporate the Tuscaloosa insurance company ;

To amend section 2313 of the Code of Alabama, and to allow the defendants in certain cases to prove off sets ;

To prohibit the sale of vinous or spirituous liquors at or within one mile of the town of Centre, in Cherokee county, Alabama ;

To give to the intendant of Orion justice's jurisdiction, and for other purposes.

The House has originated and passed the following bills :

For the relief of Charles Hobbs, of Talladega county ;

- For the relief of Aaron H. Harlan and Joseph H. Johnson ;
- For the relief of B. West ;
- To compensate James Guild and others, for arresting William Kirby, a fugitive from justice ;
- Making appropriations for the fiscal years 1860 and 1861 ;
- In relation to the practice in justices courts, in Marshall county ;
- For the relief of R. C. Howie, of Sumter county ;
- For the relief of W. H. Bennett, of Sumter county ;
- To compensate William Houston, of the county of Franklin, for services rendered the State ;
- To amend an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike, and Coffee, and for other purposes ;
- To authorize the legal voters of Robinson's cross roads, in Montgomery county, and the legal voters of Gainestown beat, in Clarke county to hold an election as to the sale of liquors in said beats ;
- For the relief of William Aldridge, Joseph Morris, William Kramer, and Susan McNally ;
- To repeal an act therein named, so far as it relates to Calhoun county ;
- For the relief of William J. Bracewell, of the county of Dale.
- The House has amended, as therein shown, and passed Senate bill
- To incorporate the Tuscaloosa insurance company.
- The House has originated and adopted
- Preamble and joint resolutions on the subject of direct trade with Mexico.
- Message from the Governor, by Mr. W. Phelan.
- Mr. President : His Excellency, the Governor, has approved bills which originated in the Senate, of the following titles :
  - To incorporate the Alabama Baptist State Convention :
  - To enable the people of Pickens county to more permanently locate the seat of justice of said county, and for other purposes ;
  - To prevent the adulteration and sale of adulterated liquors ;
  - To compensate Richard Norton, of Cherokee county, for services rendered the State ;
  - For the relief of the register of the chancery court of Sumter county ;
  - For the relief of Green Loveless ;
  - To amend and extend the charter of the East and West Alabama railroad company ;

Also, that of the Wetumpka and Montevallo railroad company;

Authorizing the qualified voters of each county to elect a tax assessor for the term of two years;

To establish a board of botanic physicians in the county of Blount;

For a preparation of a revised Code of the statute laws of the State of Alabama, of a general and public nature;

To prevent the game of kenô, and other games;

To increase the pay of jurors in the counties of Montgomery and Pickens;

To exempt certain property from levy and sale;

To fix the times of holding the circuit courts for the Southern judicial circuit.

Mr. Jones of Greene, from the committee on internal improvements, to whom was referred the bill to improve the navigation of the Alabama river, reported a substitute therefor, with the same title.

Mr. Brewer moved to amend the substitute as follows: Strike out in the 6th section from the word "security," in the 9th line, to the word "dollars," in the 11th line, and insert "annually for the first five years in the sum of fifty thousand dollars, which was lost.

The substitute was adopted.

Mr. Felder moved to amend the first section by requiring the company to extend their operations to the Coosa river, up to the city of Wetumpka. Amend section 3 by striking out river and inserting "rivers," which was adopted.

Yeas 18, nays 7.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Cleveland, Felder, Heflin, Hill, Horn, Jones of Fayette, McIntyre, McSpadden, Nelson, Staton, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Cocke, Fleming, Higgins, Jones of Greene, Patton, Woodward.

Mr. Walker moved to strike out Alabama river, and insert the bay and harbor of Mobile, which was lost.

Mr. Jones of Greene, moved to amend as follows: Strike out "one hundred thousand dollars" where it occurs in the bill, and insert "seventy thousand to the Alabama and Coosa rivers, and twenty-five thousand dollars to the Mobile and Girard railroad; which twenty-five thousand dollars, being the first instalment, shall be paid to the Mobile and Girard railroad from Union Springs towards Greenville," which was lost.

Mr. Burnett moved to amend by inserting fifty thousand dollars to the Mobile and Girard railroad, and fifty thousand dollars to the Alabama and Coosa rivers, &c.

A division of the question being called for, the question was first taken on striking out, which was carried.

Mr. Burnett's amendment was adopted.

Mr. Jemison moved to strike out the Alabama and Coosa rivers, and insert the North-East and South-West railroad, which was lost.

Mr. Jemison moved to amend as follows:

Sec. — Be it further enacted, That nothing contained in this act shall prevent its repeal or modification by any subsequent legislature.

Mr. President moved to lay the bill and amendment on the table.

A division of the question being called for, the question was first taken on laying the amendment on the table, which was lost.

Yeas 25, nays *none*.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Cocke, Felder, Fleming, Griffin, Heflin, Higgins, Hill, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Wood, Woodward.

The question recurred on laying the bill on the table, which was carried.

Yeas 13, nays 12.

Yeas—Messrs. President, Calhoun, Cocke, Felder, Heflin, Higgins, Hill, Jemison, McSpadden, Patton, Walker, Wood Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Bynum, Cleveland, Fleming, Jones of Fayette, Jones of Greene, McIntyre, Nelson, Staton Toulmin.

On motion of Mr. Calhon, the Senate proceeded to the consideration of the message from the House.

The Senate concurred in the amendment made by the House to the bill to amend section 43 of the Code, regulating mileage.

The following House bills were read first, second and third times, the rule being dispensed with, and passed:

To incorporate the town of Oxford, in Calhoun county;

To give the fortieth chancery district of the middle division, jurisdiction in certain cases;

To authorize the administrator of the estate of John M. Andrews to remove the administration from the county of Coosa to the county of Chambers;

To incorporate the male and female academy in the county of Autauga;

To incorporate the Prattville male and female academy, in the county of Autauga;

To incorporate the male and female academy, in the county of Walker;

To authorize M. P. Leath, of the county of Walker; to erect a mill-dam across Wolff creek;

To incorporate a cemetery in the county of Tuscaloosa;

To incorporate the Montgomery mining and manufacturing company, mines located in Talladega county;

To incorporate the town of Union Springs;

Requiring the presentation of claims against the county of Dale;

To prevent the people of the State from the payment of double tax in certain cases;

To incorporate the Mud creek Camp Ground, in Cherokee county;

To incorporate the Southern fire arms company;

To prevent the sale of spirituous liquors within certain limits within the county of Madison;

To continue the office of commissioner and trustee, and for other purposes;

To amend an act to incorporate the East Alabama male college, at Auburn, in Macon county, approved Feb. 1, 1856;

To prevent the sale of spirituous liquors within three miles of the town of Triana, Madison county;

For the relief of Eli S. Shorter, B. F. Treadwell, and other purposes therein named;

To compensate Seth Mabry, J. C. Hailey and Aaron Willis, for money expended by them in arresting a fugitive from justice;

To compensate F. H. Newman, et al., for a post mortem examination in aid of public justice;

To provide for the burial expenses of the poor;

To incorporate the commercial college, at Montgomery;

To amend the road law in Washington county;

To amend an act approved 4th Feb., 1843, and amendatory of an act approved 16th December, 1859, to incorporate the town of Troy;

To amend section 3376 of the Code, in relation to mechanics' liens, so far as the same relates to Montgomery county;

For the relief of John E. Spotswood, of Madison county;

For the relief of the heirs of Thomas Brewer, deceased, late of Fayette county;

To authorize the erection of water grist mills which grind for toll;

To prevent the sale of vinous or spirituous liquors within one mile of Springville academy, St. Clair county;

To authorize John F. Moragne to erect a dam across Big Will's creek;

To authorize George W. Thrash of Dallas county, and Daniel H. Williams, of Greene county, to erect gates across certain roads therein named;

To incorporate the Mobile and Spring Hill railroad company;

To authorize the extension of certain sixteenth section notes, in township 12, range 6, in Cherokee county;

To carry into effect the act of Congress, approved 22d June, 1854, authorizing the selection of land in lieu of sixteenth sections within the twelve miles square reserved in the State of Alabama;

For the relief of the tax collector of Covington county;

To authorize the Governor to issue a patent in a certain case;

For the relief of W. W. Waller, trustee of E. A. Waller;

To amend an act entitled an act to incorporate the South and North Alabama railroad company;

To incorporate the Talladega Exchange.

The House bill to authorize the city of Montgomery to take stock in the South and North Alabama railroad company was read twice.

Mr. Felder presented the petition of sundry real estate owners protesting against the passage of the bill without each owner a vote proportionate to his real property, and offered the following amendment:

And at such election each freeholder of real estate in the city of Montgomery, and each tenant of a household estate in such property under a lease of over five years, shall be entitled to one vote, and also to one vote in addition for every hundred dollars in value of such estate, one and beyond one hundred dollars; and the assessment books of the city shall be the standard of value of such estate, and also evidence of ownership unless a transfer shall have been made since the last assessment, and guardians shall be entitled to vote in the estates of their wards: Provided, That no one shall vote upon an interest in real estate of less value than one hundred dollars acquired after the 17th day of February, 1860.

The House bill to amend section 499 of the Code, so far as Lauderdale county is concerned, was read twice.

Mr Brewer moved to amend by adding the county of Coosa, after the county of Lauderdale, which was adopted, and the bill read a third time and passed.

The caption was amended by inserting the name of the county of Coosa after Lauderdale.

The House bill to amend the charter of the Alabama and Georgia railroad company, approved 19th January, 1850, was read twice.

Mr. Walker moved to amend by additional sections, as numbers 7, 8 and 9, which was adopted, and the bill read a third time and passed.

The House bill to incorporate the Metropolitan Guards, was read twice.

Mr. Calhoun moved to amend the sixth section by striking out "tents and camp equipage," which was adopted, and the bill read a third time and passed.

The House bills to incorporate the Marion Rifles and other military companies therein named, was read twice.

Mr. Calhoun moved to strike out "tents and camp equipage," in the sixth section, which was adopted, the bill read a third time and passed.

The House bill to establish and define the boundary line between the counties of Cherokee and DeKalb, was read twice, and,

On motion of Mr. Higgins, referred to the committee on county boundaries.

The House bill to consolidate the offices of tax collector and assessor in the county of Shelby, was read twice, and,

On motion of Mr. Nelson, referred to the committee on finance and taxation.

The House bills :

For the relief of Washington C. McMahon ;

For the relief of William A. Wilson, were severally read twice and referred to the committee on accounts and claims.

By leave,

Mr. McIntyre introduced a bill to amend section 2983 of the Code, which was read twice and referred to the committee on the judiciary.

On motion of Mr. Hill,

The Senate adjourned until half past three o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The bill to provide for an efficient military organization for

the State of Alabama, as amended by the House, was referred to a select committee, consisting of Messrs. Jones of Greene, Bullock and Patton.

The House bill to incorporate the mountain railroad contracting company, was read a third time and passed.

The House bills:

Making appropriations for the fiscal years 1860 and 1861;  
For the relief of William J. Bracewell, of the county of Dale;  
To compensate James Guild and others, for arresting William Kirby, a fugitive, from justice;

For the relief of B. West;

For the relief of R. C. Howie, of Sumter county;

For the relief of W. H. Burnett, of Sumter county;

For the relief of Charles Hobbs, of Talladega county;

To compensate William Houston, of the county of Franklin, for services rendered the State;

Were severally read twice and referred to the committee on accounts and claims.

The House bill in exercise of the police power of the State, and for the protection of the people and interest of the State of Alabama, was read twice and referred to the committee on finance and taxation.

The Senate concurred in the amendment made by the House to the bill to incorporate the Tuscaloosa insurance company.

The following House bills were severally read three times, the constitutional rule being dispensed with, and passed:

To incorporate the Jacksonville insurance company;

For the relief of Aaron H. Harlan and Joseph H. Johnson;

For the relief of Wm. Aldridge, Joseph Morris, Wm. Kramer and Susan McNally;

In relation to the practice in justices' courts, in Marshall county;

To amend an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike, and Coffee, and for other purposes.

The bills:

To incorporate the Pickens academy;

To revive an act entitled an act to authorize certain persons therein named to clear out Pass Heron, and for other purposes, approved Feb. 9, 1852;

To require the commissioners' courts of the several counties of this State to furnish blanks to tax assessors;

To repeal the tax on revolving pistols in certain cases;

For the relief of John Jeter, of Montgomery county;

And the House bills:



To change the name of Mary F. McBryde to that of Mary F. Stanford ;

To repeal in part an act therein named so far as it relates to Marshall county ;

Repealing section 496 of the Code, so far as the same relates to Winston county ;

To authorize the issuance of civil process on Sunday in certain cases ;

To amend the act to incorporate the Catholic female charitable society of Mobile, approved Feb. 5, 1840 ;

To incorporate the Samaritan Society of Mobile ;

To regulate the pay of commissioners for the county of Dale ;

To authorize William E. Gilbert and his associates to build a dam across the Tallapoosa river in Randolph county for manufacturing purposes ;

To prevent the sale of spirituous liquors within one mile of Judson Academy, in Henry county ;

Were all severally read a second and third times, the rule being dispensed with, and passed

The Senate concurred in the amendment of the House to the bill to prevent the unauthorized sale of lottery tickets in the State of Alabama ;

The House bill to divorce Sarah Nichols from her husband, Edward Nichols, and to divorce other persons therein named, was read a third time and lost.

Yeas 19, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Cocke, Felder, Heflin, Higgins, Horn, Jemison, Jones of Fayette, Jones of Greene, McIntyre, Nelson, Patton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Cleveland, Hill, Woodward.

On motion of Mr. Woodward, the vote just taken was reconsidered, and the bill made the special order for to-morrow, 12 o'clock.

The House bill to regulate the agencies of insurance companies not incorporated by this State, was read a third time and passed.

The bills :

To incorporate South and North Alabama manufacturing company ;

To continue the office of commissioner and trustee, and for other purposes ;

To limit the application of section 3600 of the Code ;

To amend the attachment laws ;

Were severally read a second time and laid on the table.

The bill to establish a State Armory and Arsenal was laid on the table.

Yeas 15, nays 9.

Yeas—Messrs. President, Bynum, Calhoun, Heflin, Higgins, Hill, Jemison, Jones of Fayette, McSpadden, Nelson, Patton, Staton, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Cocke, Felder, Horn, Jones of Greene, Stone, Wood.

The House bills:

To repeal an act therein named, so far as it relates to Calhoun county;

To amend an act to regulate the fees of the judges of probate for Lowndes and Macon counties;

Were severally read twice and laid on the table.

The House bill to incorporate the Russellville and Tuscumbia turnpike company, was read twice and referred to the committee on corporations.

The House bill to authorize the legal voters of Robinson's Cross Roads, in Montgomery county, and the legal voters in Gainestown beat, in Clarke county, to hold an election as to the sale of liquors in said beats, was read twice and ordered to a third reading.

The House bill to provide and secure copies of county newspapers for the use of the courts of said counties, was read twice.

Mr. Bynum moved to amend by exempting the counties of Lawrence, Winston, and Walker, from the provisions of this act; which was lost.

Mr. Bynum moved to lay the bill on the table; which was lost.

Yeas 9, nays 13.

Yeas—Messrs. President, Brewer, Burnett, Bynum, Higgins, Jones of Fayette, Jones of Greene, McSpadden, Nelson.

Nays—Messrs. Bullock, Calhoun, Cocke, Felder, Heflin, Hill, Horn, McIntyre, Patton, Stone, Toulmin, Walker, Wood.

The bill was read a third time and passed.

Yeas 15, nays 8.

Yeas—Messrs. Bullock, Burnett, Calhoun, Cocke, Felder, Heflin, Horn, Jones of Greene, McIntyre, Nelson, Patton, Stone, Toulmin, Walker, Wood.

Nays—Messrs. President, Brewer, Bynum, Higgins, Hill, Jones of Fayette, McSpadden, Woodward.

The preamble and joint resolutions upon the subject of direct trade with Mexico, were read twice and referred to the committee on federal relations.

The Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, Feb. 21, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Jemison, the Senate proceeded to the consideration of the communication from the Governor, nominating Hon. Porter King, of Perry county, and Rev. Basil Manley, D. D., of Tuscaloosa, as trustees of the hospital, of the insane, to fill the vacancies occasioned by the expiration of the terms of Hon. Porter King, of Perry county, and Mr. James C. Spencer, of Tuscaloosa.

The nominations were confirmed by the Senate.

The Senate concurred in the amendments made by the House to the bill to provide for an efficient military organization for the State of Alabama.

Ordered that the House be informed of the concurrence of the Senate.

The following bills were introduced :

Mr. Felder : a bill to allow Bolling Hall to establish a gate across a public road.

Mr. Toulmin : a bill to abolish and establish an election precinct in the county of Mobile.

Mr. Rowe : a bill to continue in force the existing laws in relation to the State Bank and branches.

Mr. Brewer : a bill to legalize the sale of land in section 16, township 18, range 19, and to provide for the sale of the unsold portion of the same.

Mr. Higgins : a bill to prevent the increase of pauperism in Marshall county.

Mr. Burnett : a bill to incorporate the Greenville Hotel company, in Butler county.

All of which were severally read three times and passed.

Mr. Fleming offered the following protest, to be spread upon the journal :

The protest of William Fleming, Senator from Madison, against the passage of the three per cent. fund bill :

The undersigned, Senator from Madison, begs leave respectfully to protest against the passage of the bill disposing of the three per cent. fund to the several railroad companies, and to spread on the journal his reasons for thus protesting, viz :

1. The amendment of the undersigned, giving a proper proportionate amount to the Winchester railroad company, was cut

off by the "previous question;" thus preventing the undersigned from arguing its justice and expediency.

2. In the opinion of the undersigned, the provisions of the bill in question are partial, unjust, inexpedient, and in conflict with the best interests of the State of Alabama.

All of which is respectfully submitted.

WM. FLEMING.

Mr. Jones of Greene, from the committee on internal improvements, reported a substitute for the "Bill to reinvest a portion of the two per cent. fund."

The substitute was adopted, and the bill read a third time and passed.

Mr. Bullock, from the committee on the judiciary, reported favorably to the following bills:

To prevent retailing spirituous liquors by slaves;

To authorize conveyances to be made by commissioners, administrators, executors, or guardians, who purchase the real estate of their intestate, testator, or ward.

To the House bills:

To repeal the act of February, 1856, session acts, page 301, in relation to the rights and liabilities of stockholders in railroad and other companies, &c;

To allow the probate judge of Pike county to take jurisdiction of the estate of William McCullough, deceased, late of Montgomery county;

All of which were severally read a third time and passed.

Also, adversely to the following bills:

For the benefit of the heirs of James M. Carmichael;

To amend section 171 of the Code;

To amend section 1196 of Code.

The reports were concurred in.

Mr. Toulmin, from the committee on propositions and grievances, reported adversely to the bills;

For the relief of Neal Smith;

To authorize W. W. Findley, of DeKalb county, to practice medicine.

The reports were concurred in.

Also, favorably to the "Bill for the relief of Robert S. Wilson," with an amendment, which was adopted, the bill read a third time and passed.

The caption was amended by adding the words: "and Jas. Bell."

Mr. Patton, from the committee on federal relations, reported to the "Preamble and resolutions upon the subject of direct

trade with Mexico;" which was read a third time and passed.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 21.

Mr. President: The House has originated and passed bills of the following titles:

To compensate John W. Shepherd, for his services as clerk of the committee on the judiciary of the House of Representatives.

To change the times of holding the circuit courts in the ninth judicial circuit.

To compensate J. F. Smith for capturing James R. Dunklin, a felon.

To authorize the town of Eutaw to take stock in railroads.

For the relief of Adelaide Eckols, of Dale county.

To amend section 977 of the Code of Alabama.

To compensate Harris & Hoyt.

To amend section 3249 of the Code.

The House has amended and passed the Senate bills—

To incorporate the Alabama Insurance and Exchange company at Tuskegee, and other companies therein named.

Relating to incorporated companies.

For the relief of Malcey, daughter of James L. C. Floyd, of Pike county.

The House has passed the Senate bills—

To authorize registers in chancery to appoint trustees in certain cases therein named.

For the relief of Martha Adams, of Perry county and Oliva Brown, of Mobile county.

An act supplemental to an act to supply the Insane Hospital with furniture and to prepare it for the reception and treatment of patients.

Mr. Cocke, from the committee on accounts and claims, reported adversely to the account of E. M. Spaulding, of Lauderdale county.

The report was concurred in.

Also, reported favorably to the House bills—

For the relief of John Lamberth, tax collector of Tallapoosa county.

For the relief of R. C. Howie, of Sumter county.

For the relief of Washington C. McMahon.

To compensate James Guild and others for arresting William Kirby.

For the relief of B. West.

For the relief of William A. Wilson, of Coosa county.

For the relief of W. H. Bennett, of Sumter county.

For the relief of William J. Bracewell, of the county of Dale.

For the relief of Charles Hobbs, of Talladega.

To compensate William Houston, of the county of Franklin, for services rendered the State.

All of which were severally read a third time and passed.

Also, favorably with amendments, to the House "bill making appropriations for the fiscal years 1860 and 1861."

The amendments were adopted, and the bill read a third time and passed.

Also, from the committee on State printing, reported favorably with an amendment, in relation to the printing of the acts of the General Assembly.

The amendment was adopted, and the bill read a third time and passed.

The caption was amended, by striking out "present" before "General Assembly."

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following:

To establish and define the boundary line between the counties of Mobile and Washington, in this State.

To prevent the unauthorized sale of lottery tickets in the State of Alabama.

To give jurisdiction to the chancery court of Madison county, to authorize Charles T. Patton, trustee for Kate Moore, and guardian of Samuel Moore, to do certain things therein named.

To incorporate the Tuscaloosa insurance company.

To incorporate the Carrollton and Eutaw railroad company.

To amend section 43 of the Code, regulating mileage.

Mr. Fleming, from the committee on the military, reported favorably with an amendment, to the "bill to incorporate the Montgomery Mounted Rifles."

The amendment was adopted, the bill read a third time and passed.

Mr. Walker, from the committee on corporations, reported favorably with amendments, to the bill "to incorporate the Georgia and Alabama railroad company."

The amendments were adopted, the bill read a third time and passed.

Also, favorably to the "bill to amend an act to incorporate the Mobile Omnibus company, approved January 26th, 1858."

The bill was read a third time and passed.

Also, favorably with an amendment, to the House bill "to

amend an act to incorporate the town of Huntsville, approved January 16th, 1854."

The amendment was adopted, the bill read a third time and passed.

Also, a substitute for the bill "to amend the charter of the city of Wetumpka."

The substitute was adopted, the bill read a third time and passed.

Mr. Patton, from the committee on finance and taxation, reported favorably to the bill and joint resolutions of the Senate upon the subject of the swamp lands donated to Alabama by act of Congress of September 28th, 1850, as amended by the House.

The amendment was concurred in.

Also, asked to be discharged from the further consideration of the "bill authorising the election of auditor and tax assessor for the county of Mobile, for the term of three years, and for other purposes."

The bill and report were laid on the table.

Also, adversely to the "bill to compensate A. M. Bartee, for services rendered."

Mr. Rowe moved to lay the report on the table; which was lost, and the report was then concurred in.

Also, adversely to the following bills:

To equalize the salaries of State officers;

For the relief of A. J. Schrimsher; (!)

To repeal in part an act therein named;

The House bill to repeal section 436 of the Code, so far as it relates to the counties of Pike and Coffee.

The reports were severally concurred in.

Mr. Calhoun introduced a bill to prohibit the sale of spirituous liquors in township 10, range 5, east, in Wilcox county.

Which was read three times and passed.

The Senate concurred in the amendments made by the House to the "bill in relation to incorporated companies."

On motion of Mr. Jones, of Greene, the House bill to incorporate the Western railroad company was taken from the table and referred to the committee on internal improvements.

On motion of Mr. Patton, the bill to regulate the service of process in certain cases, with the report of the committee thereon, were taken from the table.

The report was concurred in.

Yeas 13, nays 7.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cocke, Felder, Fleming, Heflin, Jones of Fayette, Rowe and Woodward.

Nays—Messrs. Higgins, Hill, McIntyre, McSpadden, Patton, Toulmin and Walker.

The Senate proceeded to the various amendments made by the House to the "bill to incorporate the Alabama Insurance and Exchange company at Tuskegee, and other insurance companies therein named."

The Senate concurred in the amendments from one to ten inclusive, except the seventh, which the Senate refused to concur in.

On motion of Mr. President, all the votes on concurrence were reconsidered.

Whereupon, Mr. Calhoun moved the previous question, and the question being, shall the main question be now put?

It was lost.

Yeas 13, nays 13.

Yeas—Messrs. President, Bynum, Calhoun, Cocke, Felder, Fleming, Higgins, Hill, Jamison, Jones of Fayette, Jones of Greene, Stone, Woodward.

Nays—Messrs. Brewer, Bullock, Burnett, Heflin, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Wood.

On motion of Mr. Burnett, the further consideration of the question was postponed for the present.

The bill to compensate Harris & Hoyt was read a third time.

Mr. Rowe moved to amend as follows:

"That the Controller draw his warrant on the Treasurer in favor of Barrett & Wimbish, for \$29 30, &c.

Which was adopted, the bill read a third time and passed.

The Senate concurred in the amendments made by the House to the bill for the relief of Malcey, daughter of James L. C. Floyd, of Pike county.

The House bill to compensate John W. Shepard, for his services as clerk of the committee on the judiciary of the House of Representatives, was read three times forthwith and passed.

The House bill to divorce Sarah Nichols from her husband Edward Nichols, and to divorce other persons therein named, being the special order, was read a third time and passed.

Yeas 23, nays 1.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Cocke, Felder, Fleming, Heflin, Higgins, Jamison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Stone, Toulmin, Walker, Wood.

Nay—Mr. Calhoun.

The House bill to amend section 3249 of the Code was read twice.



Mr. Bynum moved to amend as follows:

"SEC. 2. Be it further enacted, That if any person convicted under the provisions of said section 3249, shall fail to secure the fine assessed against him, it shall be the duty of the court to sentence him to the penitentiary for not less than two nor more than five years."

Mr. Calhoun moved to lay the bill and amendment on the table.

A division of the question being called for, the question was first taken on laying the amendment on the table; which was lost.

Yeas 2, nays 23.

Yeas—Messrs. Felder, Fleming.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cocke, Heflin, Higgins, Hill, Jemison, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Stone, Toulmin, Walker, Wood, Woodward.

The question recurred on laying the bill on the table, which was lost.

Yeas 12, nays 13.

Yeas—Messrs. Calhoun, Cocke, Felder, Heflin, Higgins, Hill, Jones of Greene, Nelson, Patton, Rowe, Woodward.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Fleming, McIntyre, McSpadden, Mitchell, Stone, Toulmin, Walker, Wood.

Mr. Bynum's amendment was adopted.

Mr. Jemison moved to amend as follows:

Section 3. Be it further enacted, That the provisions of this act shall not in anywise apply to the county of Tuscaloosa.

Mr. Patton moved amend the amendment by inserting the county of Lauderdale.

Pending the consideration of which,

The Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Feb. 22, 1860.

The Senate met pursuant to adjournment.

The following bills were introduced:

Mr. Cocke: A bill permitting Charles Short and others to become slaves, on application to the probate court of Russell county;

Mr. Heflin: A bill to make the provisions of sections 9, 10, and 11 of an act to incorporate the Russell railroad company, approved 10th day of February, 1860, applicable to the Opelika and Oxford railroad company;

Mr. Brewer: A bill to authorize the corporate authorities of

Wetumpka to subscribe to the capital stock of the North and South Alabama railroad company; the Bank of Alabama, and for other purposes;

Mr. Walker: A bill supplemental to an act to incorporate the Jacksonville insurance company, now pending in the General Assembly;

Mr. Felder: A bill to amend an act therein named, approved 8th February, 1858;

Which bills were severally read three times and passed.

House bills;

To consolidate the offices of tax collector and assessor in the county of Shelby;

In exercise of the police power of the State, and for the protection of the people and interest of the State of Alabama.

The reports were concurred in, and the bills lost.

Mr. Brewer, from the committee on the penitentiary, reported adversely to the bill to ascertain the sense of the people in regard to abolishing the penitentiary.

The report was concurred in.

Yeas 15, nays 10.

Yeas—Messrs. Brewer, Cleveland, Cocke, Hill, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Nelson, Patton, Stone, Toulmin, Walker, and Wood.

Nays—Messrs. President, Burnett, Bynum, Calhoun, Felder, Fleming, Heflin, Higgins, Horn, McIntyre, Rowe, and Woodward.

Message from the House by Mr. Brewer:

House of Representatives, Feb. 22.

Mr. President: The House has rejected Senate bills of the following titles:

To prevent the evils of local legislation as to toll gates and bridges, and for other purposes;

To more effectually prevent burglary and enticing slaves away to a non-slaveholding State;

To repeal an act to compel the personal attendance of witnesses in civil cases;

To construe and extend the operations of sections 1991 and 1992 of the Code of Alabama;

To obviate captious objections, and to secure speedy trials in certain cases;

To amend the law as respects the lien of executions;

To amend an act to establish jury trials in justices' courts, approved Feb. 5, 1858;

To provide for the pay of witnesses where slaves are convicted of capital offences and pardoned ;

To provide for and paying over costs in certain cases ;

To amend an act to compensate tales jurors.

The House has passed the following Senate bills :

To prevent stock from being killed by dogs ;

To incorporate and to aid the Horticultural and Agricultural Society of Western Alabama ;

To amend the charter of the town of Marion ;

To divide Valley beat, in Pike county, into two beats ;

To incorporate the Marion insurance and trust company ;

To authorize the issuance of executions from the chancery courts in certain cases ;

To provide more effectually for the trial of certain cases in the circuit courts of this State ;

To amend the charter of the Wetumpka Insurance Company ;

To amend an act entitled an act to fix the mode of conveying the estate of husband and wife, and for other purposes, approved Feb. 8, 1858 ;

To incorporate Hamner Hall, a female seminary, in the county of Montgomery ;

To incorporate the Alabama sewing machine company ;

To revive an act to incorporate the Eagle railroad and lumber company, approved 17th December, 1856, and for other purposes ;

To revive and continue in force an act to incorporate the Mobile Live Stock and General Insurance Company, approved 20th of December, 1851, as amended by an act entitled an act to amend an act to incorporate the Mobile Live Stock and General Insurance Company, approved 12th December, 1853 ;

To amend an act incorporating the Bellville male and female academy approved Feb. 13, 1854 ;

To declare Bassett's Creek, in the county of Washington, a public highway ;

To authorize William Taylor, F. M. Gilmer, Jr., William Fowler, and others, to establish a ferry across the Alabama river at Montgomery.

The House has amended, as therein shown, and passed the Senate bills :

To regulate the sale of spirituous liquors in precinct No. 5, in the county of Shelby ;

To incorporate the Coosa navigation and coal mining company ;

For the relief of W. F. Rose, tax collector of Lawrence county;

To protect guardians;

To incorporate the Southern express company;

To amend sections 383 and 384 of the Code of Alabama, fixing the University fund, and establishing a military department in said University;

To renew an act to extend the debts due the sixteenth sections.

The House has originated and passed bills:

To regulate the times of holding the courts in the fifth judicial circuit;

To repeal an act relating to the road laws in Baldwin county;

To incorporate the Franklin insurance company;

For the relief of certain persons therein named;

To compensate John L. Bunch for catching a felon, one William Douglass;

To compensate G. M. C. Weemes, Thomas J. Cochran and others, for services rendered the State and money expended therein;

For the relief of the heirs at law of M. Rembert, deceased, late of Marengo county;

To equalize the taxes on goods sold in this State;

To authorize the guardians of non-resident persons of unsound mind to receive in this State personal property of such persons;

To divorce Mary E. Crawford from her husband, George G. Crawford;

Supplemental to an act to incorporate the Alabama insurance and exchange company, at Tuskegee, and to incorporate other insurance companies therein named;

For the preservation of game in Montgomery county;

To authorize the court of county commissioners of Limestone county, or any person or persons, to build one or more bridges across Elk river, in said county;

To compel the owner or owners of steam grist mills in Jackson county to make good, merchantable meal;

For the relief of the minor children of George Walker, a lunatic citizen of Jackson county;

To amend the law in relation to public roads;

To levee the Tennessee river in a part of Limestone county, and for other purposes.

The House has concurred in the Senate's amendments to the House bill making appropriations for the fiscal years 1860 and 1861.

The Senate concurred in the amendments made by the House to the bill to amend sections 383 and 384 of the Code of Alabama, fixing the University fund, and establishing a military department in said University.

Mr. Walker, from the committee on corporations, reported favorably to the House bill to incorporate the Russellville and Tuscumbia turnpike company.

The bill was read a third time and passed.

Mr. McSpadden, from the committee on divorce and alimony, reported adversely to the bill for the relief of John W. Ingram.

The report was concurred in.

Mr. Patton, from the select committee, reported adversely to the bill to dispose of the free persons of color in this State.

On motion of Mr. McSpadden, the bill and report were laid on the table.

Also, adversely to the bill for relief of Horace King and his family.

On motion of Mr. Cocke, the bill and report were laid on the table.

On motion of Mr. Toulmin, the bill to compensate the solicitors in the litigation between Georgia and Alabama in respect to the boundary line between the said States, as amended by the House, was taken from the table and the amendments of the House concurred in.

Ordered that the House be notified of the concurrence of the Senate.

The bill to divorce Jeremiah Smith from his wife, Margaret Smith, and to divorce other persons therein named, was read three several times and passed.

Yeas 22, nays 3.

Yeas—Messrs. President, Brewer, Bynum, Cleveland, Cocke, Felder, Fleming, Heflin, Higgins, Jemison, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Stone, Toulmin, Walker, Wood.

Nays—Messrs. Calhoun, Hill, Woodward.

The Senate refused to concur in the amendment made by the House to the bill to incorporate the Southern Express company.

On motion of Mr. Fleming, the bill to encourage the manufacture of fire arms in this State, was taken from the table.

The question was on the adoption of the reported by the committee.

Mr. Calhoun moved to amend the amendment by striking out \$20,000 and inserting \$25,000.

On motion of Mr. Bynum, the further consideration of the bill and amendment was indefinitely postponed.

Yeas 18, nays 6.

Yeas—Messrs. Brewer, Burnett, Bynum, Cleveland, Heflin, Higgins, Hill, Jones of Fayette, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Rowe, Toulmin, Walker, Woodward.

Nays—Messrs. Bullock, Calhoun, Felder, Fleming, Stone, Wood.

On motion of Mr. Burnett, the bill to amend an act to regulate the fees of the judges of probate in Lowndes and Macon counties, was taken from the table, read a third time and passed.

The Senate proceeded to the consideration of the bill to amend section 3249 of the Code, which was under consideration at the last adjournment, the question being on the adoption of Mr. Patton's amendment to except Lauderdale county from the provisions of the act.

Mr. Patton accepted as an amendment to his amendment the counties of Dallas, Wilcox, Perry, Bibb, Sumter, Choctaw and Washington.

Mr. Fleming moved the previous question.

Mr. Cocke moved to postpone the consideration of the subject until Saturday next, at half past 3 o'clock, which was lost.

Yeas 10, nays 13.

Yeas—Messrs. Calhoun, Cocke, Heflin, Higgins, Hill, Mitchell, Nelson, Patton, Rowe, Woodward.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Cleveland, Felder, Fleming, Jones of Fayette, McIntyre, McSpadden, Toulmin, Walker, Wood.

Mr. Hill moved to postpone till Monday next, 11 o'clock.

Lost.

Yeas 12, nays 13.

Yeas—Messrs. Calhoun, Cocke, Felder, Heflin, Higgins, Hill, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Woodward.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Cleveland, Fleming, Jones of Fayette, McIntyre, McSpadden, Toulmin, Walker, Wood.

Mr. Patton moved to postpone till to-morrow 11 o'clock, which was lost.

Yeas 10, nays 14.

Yeas—Messrs. Calhoun, Cocke, Heflin, Higgins, Hill, Mitchell, Nelson, Patton, Rowe, Woodward.

Nays—Messrs. President, Brewer, Bullock, Burnett, Bynum, Cleveland, Felder, Fleming, Jones of Fayette, McIntyre, McSpadden, Toulmin, Walker, Wood.

The question recurred on Mr. Fleming's motion, the question being shall the main question be now put, which was carried.

Yeas 13, nays 8.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Bynum, Felder, Fleming, Jones of Fayette, McIntyre, McSpadden, Toulmin, Wood.

Nays—Messrs. Calhoun Cocke, Heflin, Higgins, Hill, Mitchell, Nelson, Patton, Rowe.

The bill was ordered to a third reading.

Yeas 12, nays 11.

Yeas—Messrs. President, Brewer, Bullock, Burnett, Cleveland, Fleming, Jones of Fayette, McIntyre, McSpadden, Toulmin, Walker and Wood.

Nays—Messrs. Calhoun, Cocke, Felder, Heflin, Higgins, Hill, Mitchell, Nelson, Patton, Rowe and Woodward.

Message from the Governor, by Mr. W. Phelan.

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate, of the following titles:

To authorize William C. Davis, administrator of the estate of Thomas C. Davis, deceased, to sell certain lands therein named;

To compensate E. M. Hastings, A. G. Hallmark, William H. Benton, and Jacob Myers for services rendered the State of Alabama;

To amend the charter of Howard college at Marion, Alabama;

To legalize the late election of clerk of the circuit court of Winston county;

To incorporate the Aberfoil academy in the county of Macon;

For the relief of the legatees of Marcus A. Flournoy, deceased;

To localize the establishment of beat No. 19, in the county of Dekalb;

To provide for the military education of young men from each county in the State of Alabama;

To amend the attachment law in the State of Alabama;

To amend the patrol law of Pickens county;

To authorize the corporation of Selma to appoint port wardens and inspectors;

To revive and amend an act to incorporate the West Point, Georgia and Tennessee river railroad company;

And joint memorial upon the subject of selections of public lands to aid in the construction of the Girard and Mobile railroad;

To authorize the Governor to issue to the heirs of Terry Bradley, deceased, of Lauderdale county, patents for certain lands therein named ;

For the relief of Sewell Jennings, late tax collector of the county of Morgan ;

To incorporate the Carrollton and Eutaw railroad company ;

To give jurisdiction to the chancery court of Madison county, to authorize Charles H. Patton, trustee for Kate Moore, and guardian for Samuel Moore, to do certain things therein named ;

To amend section 43 of the Code, regulating mileage ;

To define and establish the boundary line between the counties of Mobile and Washington, in this State ;

To prevent the unauthorized sale of lottery tickets in the State of Alabama.

I also return to the Senate without the approval of the Governor, and with his objections thereto, a bill to be entitled an act to incorporate the Tuscaloosa insurance company.

EXECUTIVE DEPARTMENT, }  
MONTGOMERY, ALA., Feb. 22d, 1860. }

*Gentlemen of the Senate :*

A bill which originated in the Senate, entitled " A bill to be entitled an act to incorporate the Tuscaloosa Insurance company," is herewith returned without my approval. It is always a source of regret with me to be compelled to refuse my assent to an act of the Legislature ; but when my sense of duty requires it, I cannot hesitate to do so.

The bill under consideration, gives to the Tuscaloosa Insurance company " all the privileges, rights, immunities and powers of the Tuskegee Insurance company." In order to ascertain what they are, it is necessary to refer to the act incorporating said company. The fifth section of said act, among other things, provides that said company " shall have power to borrow money and issue bonds therefor ; to invest its money and property in anything, and in any manner which would be lawful for a citizen to invest money or property in, and the said property and securities to sell and transfer at pleasure. It may loan its money or property to any person or persons, or corporation, on any security which it may think proper. The said corporation shall have power to purchase, discount and sell bills of exchange and promissory notes ; to receive on deposit for collection promissory notes and bills of exchange," &c.

It will be seen upon examination, that the Tuskegee Insurance company has all the essential rights and powers of a regularly chartered banking company, except the power to issue



its own notes or bills. Under this charter the company can borrow money without limit from the banks of other States, and put the same in circulation without being compelled to redeem a single dollar. The Tuskegee Insurance company has exercised this power to a heavy extent, as all other institutions with similar powers can do.

If this sort of legislation is to become the policy of the State, we shall have a multitude of *quasi* irresponsible banking institutions that will inundate Alabama with an inflated depreciated foreign currency, without security or indemnity to the bill holders. Just in proportion as the foreign currency is introduced into the State, will our own currency, which is secured in the hands of the people so far as the law can do so, be driven from circulation.

It is one of the highest duties of the law making power to guard and protect the people of the State against a depreciated and spurious paper currency. This, and all other acts of incorporation with similar powers, instead of providing these guards and securities, have the contrary tendency, and leave the people to the mercy of a speculating set of foreign banks, who either cannot or dare not put their paper in circulation in their own State to the extent they desire. Hence they seek, through corporations in Alabama, to put their notes in circulation, and thus impose upon our people paper money which they are unable to impose upon their own. This they can do, because those who circulate it here are not required to redeem it, and it may not return to the banks for years.

The framers of our Constitution endeavored to guard against an excess of paper money and a depreciated paper currency, by providing that there should not be more than one bank chartered at any one session of the Legislature. But if insurance companies, with the powers contained in the bill under consideration, are to be established throughout the State, all the safeguards contained in the Constitution will be evaded and broken down, and the State flooded with a depreciated paper circulation.

There are various other reasons that might be suggested why this and other bills of a similar character should not become laws; but the great pressure of business forbids it.

Very respectfully,

A. B. MOORE.

Mr. Cocke, from a select committee, reported a substitute, with the same title, for the bill "supplemental to an act to appropriate the three per cent. fund and its interest."

The substitute was adopted, the bill read a third time and passed.

Ordered forthwith to the House.

Mr. McIntyre presented the following protest, to be spread upon the journal:

The undersigned, being of opinion that the donation by Congress to the State of Alabama, known as the three per cent. fund, was intended by Congress to be applied *solely* to the *improvement of the navigation of rivers*, and the making of "*canals*" and "*public roads*," within the State of Alabama; and that the terms "*public roads*," used by Congress in the act of donation, refer alone to the *ordinary* public road, which was in use *at the time* said act was *passed*, as well as now, and never was intended to refer to a species of road (railroad) which was not in existence at the date of its passage, and which is in its nature entirely different. And being of the further opinion that the State of Alabama has *fully discharged the obligation* she assumed in accepting said donation, by building up a magnificent system of public roads *of the sort intended by Congress*, long since, by the substitution of the labor of her citizens for that purpose, *in lieu of the application of the specific moneys* paid into her treasury on account of said fund, and to a far greater amount than the payments on account of said fund can ever reach, believes that the whole of said fund is now, in equity, good morals and good conscience, the property of the State, earned by the toil and sweat of her citizens honestly expended, *the second time, after having been originally purchased for thrice its value*, and ought now to go to relieve them from their burdensome taxes, instead of being given away to a private railroad corporation, under a false pretence of right. Wherefore he asks that this his additional protest against the passage of the three per cent. bill may be put upon the journal.

EDW'D L. MCINTYRE.

Mr. Nelson, from the committee on enrolled bills, reported as correctly enrolled the following:

Relating to incorporated companies.

Supplemental to supplying the Insane Hospital with furniture and to prepare it for the reception and treatment of patients.

To incorporate and to aid the Agricultural and Horticultural Society of Western Alabama.

To authorize Wm. Taylor, F. M. Gilmer, jr.; and Wm. Fowler and others to establish a ferry across the Alabama river at Montgomery.

To authorize registers in chancery to appoint trustees in certain cases therein named.

For the relief of Martha Adams, of Perry county and Olivia Brown, of Mobile county.

To provide more effectually for the trial of certain cases in circuit courts of this State.

To authorize the issuance of executions from the chancery court in certain cases.

To divide Valley Beat, in Pike county, into two beats.

To incorporate Hamner Hall, a female seminary in the county of Montgomery.

To amend the charter of the Wetumpka Insurance company.

To amend an act incorporating the Bellville male and female academy, approved February 13th, 1854.

To declare Bassett's Creek in the county of Washington a public highway.

To amend an act entitled an act to fix the mode of conveying the estate of husband and wife and for other purposes, approved February 8th, 1858.

To revive an act to incorporate the Eagle Railroad and Lumber company, approved the 17th of December, 1836, and for other purposes.

For the relief of Malcy, daughter of James L. C. Floyd, of Pike county.

To revive and continue in force, "an act to incorporate the Mobile Live Stock and General Insurance company," approved 20th December, 1851. As amended by an act entitled an act to alter and amend an act to incorporate the Mobile Live Stock and General Insurance company, approved December 20th, 1856, approved 12th December, 1853.

To incorporate the Alabama Sewing Machine company.

To prevent stock from being killed by dogs.

To compensate the Solicitors for the State of Alabama, in the litigation between Georgia and Alabama, in respect to the boundary line between said States.

NELSON.

Mr. McSpadden moved to adjourn till 11 o'clock to-morrow.

Mr. Bullock moved to adjourn till 10 o'clock.

Mr. Brewer, till half-past 3 this afternoon.

The question was first taken on 11 o'clock to-morrow, which was lost.

Yeas 2, nays 15.

Yeas—Messrs. Bynum and McSpadden.

Nays—Messrs. President, Brewer, Bullock, Calhoun, Cocke,

Flaming, Felder, Heflin, Hill, McIntyre, Nelson, Patton, Rowe, Toulmin and Woodward.

Ten o'clock to-morrow was lost.

Yeas 6, nays 13.

Yeas—Messrs. Bullock, Bynum, Fleming, Higgins, McIntyre and Mitchell.

Nays—Messrs. President, Brewer, Calhoun, Cocke, Felder, Hill, McSpadden, Nelson, Patton, Rowe, Toulmin, Wood and Woodward.

Half-past 3 this afternoon was carried.

Yeas 11, nays 9.

Yeas—Messrs. President, Brewer, Calhoun, Felder, Fleming, Hill, Patton, Rowe, Toulmin, Wood and Woodward.

Nays—Messrs. Bullock, Bynum, Cocke, Heflin, Higgins, McIntyre, McSpadden, Mitchell and Nelson.

The Senate stood adjourned until half-past three o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Rowe, the Senate proceeded to the consideration of the bill "to amend the free public school law of the State of Alabama;" the question pending being the adoption of the substitute reported by the select committee.

Mr. Rowe moved to amend the 6th line of section 11, by striking out the words "entered of record," and inserting the word "filed;" which was carried.

Mr. Brewer moved to amend section six by adding:

"Provided, That the county treasurer shall not be allowed more than one per cent. upon the moneys paid out under the provisions of this act; which amount when allowed, shall be paid from the county revenue."

Which was carried.

The substitute was adopted.

Yeas 15, nays 4.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cocke, Felder, Hill, Mitchell, Nelson, Rowe, Toulmin, Walker, Wood and Woodward.

Nays—Messrs. Fleming, Heflin, McSpadden and Patton.

Mr. Patton moved to amend by exempting the county of Lauderdale from the provisions of this act.

On motion of Mr. Felder, it was laid on the table.

Yeas 12, nays 7.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Felder, Fleming, Hill, Mitchell, Rowe, Wood and Woodward.

Nays—Messrs. Cocke, Heflin, McSpadden, Nelson, Patton, Toulmin and Walker.

Mr. Fleming moved to re-consider the vote just taken ; which was lost.

Mr. Rowe moved to dispense with the rule, to give the bill a third reading forthwith ; which was lost.

Yeas 14, nays 5.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cocke, Felder, Hill, Mitchell, Nelson, Rowe, Toulmin, Wood and Woodward.

Nays—Messrs. Fleming, Heflin, McSpadden, Patton and Walker.

The bill was ordered to a third reading.

Yeas 13, nays 5.

Yeas—Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cocke, Felder, Hill, Mitchell, Rowe, Toulmin, Wood and Woodward.

Nays—Messrs. Fleming, Heflin, McSpadden, Patton and Walker.

Message from the House, by Mr. Brewer.

House of Representatives, Feb. 22.

Mr. President: The House has passed the Senate bill permitting Charles Short and others to become slaves.

The House has originated and passed bills—

To enable Lucy Green, of Coosa county, and Cora, of Chambers county, free women of color, to become slaves, and to repeal the 5th section of an act, approved February 10th, 1860.

To regulate the issuing of executions by justices of the peace in Dale county.

The Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, Feb. 23, 1860.

The Senate met pursuant to adjournment.

The following bills were introduced :

Mr. Hill: A bill to incorporate the Talladega Marble company.

Mr. Cocke: A bill permitting free negroes to select a master and become slaves.

Mr. McIntyre: A bill to incorporate the Benton Guards, in Lowndes county.

Mr. Toulmin: A bill to amend an act to incorporate the State Mutual Insurance company, approved 6th February, 1858.

All of which were read three times and passed, and ordered forthwith to the House.

Mr. Felder: A bill to refund to the Montgomery Mounted Rifles, the amount paid for their arms and other purposes; which was read twice.

Mr. Calhoun moved to amend as follows:

"Provided, That the cost of said arms shall not be greater than the sum of \$25 per man.

Which was adopted.

Mr. McSpadden moved to amend as follows:

"SEC. —. Be it further enacted, That all volunteer companies now or hereafter raised, who shall by their own means purchase their arms, shall receive the amount so paid from the Governor, in like manner and under the same restrictions as the Montgomery Mounted Rifles."

Which was adopted.

Yeas 15, nays 5.

Yeas—Messrs. President, Bynum, Fleming, Heflin, Hill, Jemison, Jones of Greene, McSpadden, Patton, Stone, Toulmin, Walker, Wood and Woodward.

Nays—Messrs. Calhoun, Cocke, Felder, Higgins and Nelson. The bill was read a third time and passed.

On motion of Mr. Brewer, the vote ordering to a third reading the bill to amend the public school law of the State of Alabama, approved February 14, 1856, was reconsidered.

Mr. Cleveland: A bill for the relief of Levi Pike.

Which was read twice and laid on the table.

Mr. Patton: A bill to authorize the Governor to compensate the Quartermaster-General for services rendered the State; which,

On motion of Mr. Bynum, was laid on the table.

Yeas 16, nays 5.

Yeas—Messrs. President, Brewer, Bynum, Calhoun, Cocke, Fleming, Heflin, Higgins, Hill, Jemison, Nelson, Stone, Toulmin, Walker, Wood and Woodward.

Nays—Messrs. Felder, Jones of Greene, McSpadden, Patton and Rowe.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following:

To incorporate the Marion Insurance and Trust company:

To provide for an efficient military organization of the State of Alabama.

Permitting Charles Short and others to become slaves on application to the probate court of Russell county;

To amend sections 383 and 384 of the Code of Alabama, fix-

ing the University fund, and establishing a military department in said University;

Supplemental to an act to incorporate the Jacksonville insurance company, now pending in the General Assembly;

To incorporate the Western Railroad Company of the State of Alabama;

For the relief of Louis Dolive, tax collector of Baldwin county;

To allow creditors without liens to file bills for the collection of debts in certain cases;

For the relief of Robert Curtis, of the county of Choctaw;

For the relief of Thomas Kellough;

To renew an act to extend the debt due the 16th sections;

To amend the charter of the Cahaba, Marion and Greensboro railroad company;

To loan a part of the three per cent. fund to the Uniontown and Jackson, and Selma and Gulf Railroad companies;

To regulate the sale of spirituous liquors in beat No. 5, in the county of Shelby;

To incorporate the Greenville hotel company, in the county of Butler;

To amend the charter of the city of Wetumpka.

Message from the House by Mr. Clitherall.

House of Representatives, Feb. 23.

Mr. President: The House has passed the following bills from the Senate:

To incorporate the Greenville hotel company, in the county of Butler;

To incorporate the Georgia and Alabama railroad company;

For the relief of Louis Dolive, tax assessor of Baldwin county;

For the relief of Robert Curtis, of the county of Choctaw;

To loan a part of the three per cent. fund to the Uniontown and Jackson, Selma and Gulf, Cahaba, Marion and Greensboro' railroad companies;

Incorporating the town of Rockford, in Coosa county;

To allow creditors without liens to file bills for the collection of debts in certain cases;

To incorporate the Randolph mining, manufacturing and transportation company;

To amend the charter of the Cahaba, Marion and Greensboro' railroad company;

To incorporate the Western railroad company of the State of Alabama;

For the relief of Thomas Kellough;

For the relief of Daniel Lankford, of Fayette county ;

Supplemental to the bill to incorporate the Jacksonville insurance company.

The House has amended, and as amended passed the following Senate bills :

Joint resolutions calling a convention in certain contingencies in the election of a President of the United States ;

To incorporate the Troy insurance company, in Pike county ;

To incorporate the Greenville insurance company, in the county of Butler ;

To impose a tax on itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama ;

To pay W. B. and A. R. Bell & Co., White, Pfister & Co., and N. Becker ;

To amend the charter of the city of Wetumpka.

The House has concurred in the Senate amendments to the House bills :

To amend the charter of the Alabama and Georgia railroad company ;

To incorporate the Livingston insurance company.

The House has also originated and passed bills of the following titles :

To change the county line between the counties of Jefferson and Shelby ;

For the relief of Elizabeth Brooks, of Coffee county ;

For the relief of Isaac B. Wallis, of Walker county ;

To incorporate the town of Lowndesboro, in the county of Lowndes ;

To establish and define the line between the counties of Jackson and DeKalb ;

To authorize the issuance of a patent to J. W. Caldwell ;

To revive and amend the charter of the Tallapoosa and Coosa railroad company ;

To amend the charter of the Selma gas light company ;

For the relief of the estate of Morgan Smith, of Lowndes county ;

To re-enact an act to locate permanently the seat of justice in Marion county ;

To constitute Eveline A. Tielmon a free dealer ;

To extend to the Opelika and Oxford railroad company the provisions of a certain act therein named ;

To amend the patrol law ;

For the relief of F. Glazemeyer.

Mr. Jones, of Greene, from the joint select committee, to



whom was referred the resolutions of South Carolina in relation to federal affairs, reported in response thereto, and recommended their passage,

Joint resolutions of the General Assembly of the State of Alabama in response to the resolutions of South Carolina; which were read twice.

Mr. McIntyre moved to postpone the consideration of the resolutions until to-morrow, which was lost.

Yeas 3, nays 17.

Yeas—Messrs. Cleveland, McIntyre, Wood.

Nays—Messrs. President, Brewer, Bynum, Calhoun, Cocke, Felder, Fleming, Heflin, Hill, Jemison, Jones of Greene, McSpadden, Nelson, Patton, Staton, Stone, Walker, Woodward.

The resolutions were read a third time and passed.

Yeas 18, nays 2.

Yeas—Messrs. President, Brewer, Bynum, Calhoun, Cocke, Felder, Fleming, Heflin, Hill, Jemison, Jones of Greene, McSpadden, Nelson, Patton, Stone, Walker, Wood, Woodward.

Nays—Messrs. Cleveland and McIntyre.

Also, from the same committee, to whom was referred the bill to provide for the holding of a convention of the people of Alabama to take such steps as it may deem necessary to effect a speedy and final adjustment of all matters of sectional controversy between the North and the South, reported that in view of the action of the present General Assembly, it is deemed inexpedient to legislate further on this subject at this time.

On motion of Mr. Calhoun, the bill and report were laid on the table.

Mr. Jemison introduced a bill to incorporate the Tuscaloosa insurance company; which was read three times and ordered forthwith to the House.

Mr. Brewer: A bill supplemental to an act to incorporate the South Alabama manufacturing company, now pending in the General Assembly, which was read twice and referred to the committee on corporations.

Mr. Wood, from the committee on county boundaries, asked leave to return the bill to define and establish the line between the counties of Cherokee and DeKalb, which was lost.

Yeas 9, nays 11.

Yeas—Messrs. President, Bynum, Felder, Fleming, Heflin, Hill, McSpadden, Stone, and Walker.

Nays—Messrs. Brewer, Calhoun, Cleveland, Higgins, McIntyre, Mitchell, Nelson, Rowe, Toulmin, and Woodward.

Message from the Governor by Mr. Phelan.

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles:

Permitting Charles Short and others to become slaves on application to the probate court of Russell county;

Relating to incorporated companies;

Supplemental to an act to supply the Insane Hospital with furniture, and to prepare it for the reception and treatment of patients;

To prevent stock from being killed by dogs;

To divide Valley beat, in Pike county, into two beats;

To authorize the issuance of executions from the chancery courts in certain cases;

To revive an act to incorporate the Eagle railroad and lumber company, approved 17th December, 1856, and for other purposes;

To provide more effectually for the trial of certain cases in the circuit courts of this State;

To authorize William Taylor, F. M. Gilmer, Jr., William Fowler and others, to establish a ferry across the Alabama river at Montgomery;

To incorporate Hamner Hall, a female seminary, in the county of Montgomery;

To amend the charter of the Wetumpka insurance company;

To declare Bassett's Creek, in the county of Washington, a public highway;

In reference to the sale of sixteenth sections;

To amend an act entitled an act to fix the mode of conveying the estate of husband and wife, and for other purposes, approved February 8, 1858;

To authorize registers in chancery to appoint trustees in certain cases therein named;

To incorporate the Alabama sewing machine company;

For the relief of Malcey, daughter of James L. C. Floyd, of Pike county;

To incorporate and to aid the Agricultural and Horticultural Society of Western Alabama;

To incorporate the Marion insurance and trust company;

Supplemental to an act to incorporate the Jacksonville insurance company, now pending in the General Assembly;

To amend sections 383 and 384 of the Code of Alabama, fixing the university fund, and establishing a military department in said university;

To compensate the solicitors for the State of Alabama in the litigation between Georgia and Alabama in respect to the boundary line between said States;

For the relief of Martha Adams, of Perry county, and Olivia Brown of Mobile county.

Mr. McSpadden moved to adjourn till 10 o'clock to-morrow, which was lost.

Yeas 1, nays 19.

Yea—Mr. Bynum.

Nays—Messrs. President, Brewer, Calhoun, Cleveland, Felder, Fleming, Heflin, Hill, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Rowe, Stone, Toulmin, Walker, Wood, Woodward.

Mr. Mitchell moved to adjourn till half past 3 o'clock, this afternoon, which was lost.

The Senate proceeded to the consideration of the House message, and concurred in the amendments made by the House to the bills,

To impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama ;

To incorporate the Troy insurance company, in Pike county ;

To incorporate the Greenville insurance company, in the county of Butler ;

Joint resolutions calling a convention in a certain contingency in the election of a President of the United States ;

To pay W. B. & A. R. Bell & Co., White, Pfister & Co., and N. Becker ;

To protect guardians ;

To regulate the sale of spirituous liquors in precinct No. 5, in the county of Shelby ;

To incorporate the Coosa navigation and coal mining company ;

For the relief of W.T. Rose, tax collector of Lawrence county ;

To renew an act to extend the debts due the 16th section.

The House bill to enable Lucy Greene, of Coosa county, and Cora, of Chambers county, free women of color, to become slaves, and to repeal section 5 of an act approved Feb. 18, 1860, was read three times and passed.

The House bill to amend the laws in relation to public roads, was read twice.

Mr. Calhoun moved to amend the first section by inserting the words "or through any enclosure," after the word curtilage. On motion of Mr. Patton, the amendment was laid on the table.

Mr. Patton moved to dispense with the constitutional rule, that the bill may have a third reading forthwith, which was lost.

Yeas—Messrs. Brewer, Cleveland, Cocke, Heflin, Hill, Jones of Greene, McSpadden, Nelson, Patton, Stone, Toulmin and Walker—12.

Nays—Messrs. President, Bynum, Calhoun, Felder, Fleming, Higgins, Rowe, Wood and Woodward—9.

The bill was ordered to a third reading.

The Senate then adjourned until half past three o'clock this afternoon..

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment, and continued the consideration of the House message.

The Senate concurred in the amendment made by the House to the bill to amend the charter of the city of Wetumpka.

The Senate passed the following House bills :

To compensate G. M. C. Weemes, Thomas J. Cochran and others, for services rendered the State ;

For the relief of Jesse B. Wallis, of Walker county ;

For the relief Adelia Echols, of Dale county ;

To regulate the issuance of executions by justices of the peace in Dale county ;

To compel the owners or millers of steam grist mills in Jackson county, to make good merchantable meal ;

For the relief of the minor children of George Walker, a lunatic citizen of Jackson county ;

To repeal an act relating to the road laws of Baldwin county ;

To extend to the Opelika and Oxford railroad company, the provisions of sections 9, 10 and 11 of an act entitled an act to incorporate the Russell railroad company ;

For the relief of the heirs at law of M. Rembert, deceased, late of Marengo county ;

To change the time of holding the circuit court of Russell county, in the 9th judicial circuit, and of the county of Talladega, in the 10th judicial circuit ;

To compensate J. F. Smith for capturing James D. Dunklin, a felon ;

To authorize the town of Eutaw to take stock in railroads ;

For the relief of William Gilmon, of Cherokee county ;

To levee the Tennessee river in a part of Limestone county, and for other purposes ;

Supplemental to an act to incorporate the Alabama insurance and exchange company, at Tuskegee, and to incorporate other insurance companies therein named ;

For the relief of F. Glackmeyer ;

To amend the charter of the Selma gas light company ;

To revive and amend the charter of the Tallapoosa and Coosa rivers railroad company ;

To incorporate the town of Lowndesboro, in the county of Lowndes ;

To re-enact the provisions of an act entitled an act to locate permanently the seat of justice in Marion county, approved 2d Feb., 1858 ;

Authorizing the issuance of a patent to W. J. Caldwell ;

To amend section 977 of the Code of Alabama ;

To amend the patrol law ;

To authorize the removal of the estate of Dennis Hodges from the county of Butler to the State of Louisiana ;

To authorize Wm. E. Gilbert and his associates to erect a toll bridge across Tallapoosa river ;

—To authorize the city of Montgomery to aid in the construction of the South and North Alabama railroad ;

For the relief of the heirs of John E. Stewart, deceased ;

To authorize W. Jemison of Chambers county, to practice medicine, and charge for the same ,

To transfer the county of Covington from the second chancery district of the Southern chancery division to the chancery district of said division, composed of the county of Butler ;

For the benefit of the inhabitants of township 4, range 9 west, in the county of Lawrence ;

To authorize Green S. Coxe, of the county of Barbour, to practice medicine ;

To allow James H. Owens. of Choctaw county, to extend his 16th section debt ;

To authorize justices of the peace to appoint overseers of roads in the county of Coosa, and for other purposes ;

To authorize the court of county commissioners of Limestone county, or any person or persons to build one or more bridges across Elk river, in said county.

Message from the House by Mr. Clitherall ;

House of Representatives, Feb. 23.

Mr. President: The House of Representatives has originated and passed bills of the following titles :.

To authorize Green S. Cox, of Barbour, to practice medicine ;

To authorize Wm. E. Gilbert and his associates, to erect a toll bridge across Tallapoosa river ;

To authorize the removal of the estate of Dennis Hodges from the county of Butler to the State of Louisiana ;

To establish a city and county court for the county of Montgomery ;

To encourage direct trade between the Southern States and foreign countries ;

For the benefit of the inhabitants of township 4, range 9 west, in the county of Lawrence ;

To authorize W. W. Jemison, of Chambers county, to practice medicine and charge for the same ;

To authorize the city of Montgomery to aid in the construction of the South and North Alabama railroad ;

To allow James H. Owens of Choctaw county, to extend his 16th section debt ;

For the relief of Levi Pike ;

For the relief of the heirs of John E. Stewart, deceased ;

To transfer the county of Covington from the second chancery district of the Southern chancery division to the chancery district of said division, composed of the county of Butler ;

To revive an act incorporating the Bibb county steam mill company ;

To authorize justices of the peace to appoint overseers of roads in the county of Coosa, and for other purposes ;

For the relief of William Gilmer, of Cherokee county.

The House bill to compensate John L. Bunch for catching a felon, one William Douglass, was read twice.

Mr. Rowe moved to amend as follows :

That the sum of seven dollars be appropriated to Barrett & Wimbish, which was adopted, and the bill read a third time and passed. The caption was amended by adding, "and to compensate Barrett & Wimbish.

The House bills :

For the relief of certain persons therein named ;

To divorce Mary E. Crawford from her husband, George C. Crawford ;

To incorporate the Franklin Insurance company ;

To constitute Eveline A. Tichner a free dealer ;

For the relief of the estate of Morgan Smith, deceased, of Lowndes county ;

For the relief of Elizabeth Brooks, of the county of Coffee ;

To change the county line between the counties of Jefferson and Shelby ;

To establish and define the line between the counties of Jackson and DeKalb ;

To equalize the taxes on goods sold in this State ;

For the relief of Levi Pike ;

Were severally read twice and laid on the table.

The House bill to regulate the times of holding the courts in the 5th judicial circuit, was read twice, and

On motion of Mr. McSpadden, was laid on the table.

Yeas 10, nays 9.

Yeas—Messrs. Brewer, Cocke, Heflin, Hill, Jones of Greene, McIntyre, McSpadden, Toulmin, Walker and Wood.

Nays—Messrs. President, Bynum, Calhoun, Felder, Fleming, Nelson, Patton, Rowe and Woodward.

The House bills to encourage direct trade between the Southern States and foreign countries, was read twice.

Mr. Brewer moved to lay the bill on the table; which was lost.

Yeas 10, nays 10.

Yeas—Messrs. Brewer, Bynum, Felder, Fleming, Hill, McIntyre, McSpadden, Mitchell, Patton and Woodward.

Nays—Messrs. Calhoun, Cocke, Higgins, Jones of Greene, Nelson, Rowe, Stone, Toulmin, Walker and Wood.

Mr. Jones of Greene, moved to adjourn till to-morrow, 10 o'clock.

Mr. President (Mr. Walker in the chair,) moved to adjourn until half past 7 o'clock; both of which motions were lost.

Mr. Patton moved to indefinitely postpone the bill; which was carried.

Yeas 11, nays 10.

Yeas—Messrs. President, Brewer, Bynum, Felder, Fleming, Heflin, Higgins, McIntyre, McSpadden, Mitchell and Patton.

Nays—Messrs. Calhoun, Cocke, Jones of Greene, Nelson, Rowe, Stone, Toulmin, Walker, Wood and Woodward.

The House bill for the preservation of game in Montgomery county, was read, and the Senate refused to order it to a second reading.

The House bill to revive an act to incorporate the Bibb county steam mill company, was read twice.

Mr. Cocke moved to lay the bill on the table; which was lost.

The bill was read a third time and passed.

Yeas 16, nays 5.

Yeas—Messrs. President, Bynum, Calhoun, Fleming, Heflin, Higgins, Jones of Greene, McIntyre, McSpadden, Mitchell, Nelson, Patton, Stone, Toulmin, Walker, Woodward.

Nays—Messrs. Brewer, Cocke, Felder, Rowe, Wood.

The House bill to establish a city and county court for the city and county of Montgomery, was read twice and referred to the committee on the judiciary.

On motion of Mr. Calhoun, the Senate proceeded to the consideration of the Governor's veto message of the "Bill to incorporate the Tuscaloosa Insurance company."

The question being, shall the bill pass notwithstanding the veto? which was lost.

Yeas 5, nays 15.

Yeas—Messrs. Brewer, McSpadden, Nelson, Walker, Wood.

Nays—Messrs. President, Bynum, Calhoun, Cocke, Felder, Fleming, Heflin, Higgins, Jones of Greene, McIntyre, Patton, Rowe, Stone, Toulmin, Woodward.

The Senate then adjourned until to-morrow morning; 10 o'clock.

FRIDAY, Feb. 24, 1860.

The Senate met pursuant to adjournment.

Mr. Brewer moved that the vote indefinitely postponing the "Bill to encourage direct trade between the Southern States and foreign countries," be reconsidered; which motion was postponed until 11 o'clock.

Mr. Bullock asked leave to record his vote on the joint resolutions in reference to the resolutions of South Carolina; which was granted. Whereupon he voted yea.

Mr. Walker introduced a bill to amend the act to loan and appropriate the three per cent. fund and its interest; which was read three times and passed.

Yeas 14, nays 8.

Yeas—Messrs. Brewer, Bullock, Bynum, Calhoun, Cocke, Felder, Hill, Jones of Greene, McSpadden, Mitchell, Stone, Toulmin, Walker, Woodward.

Nays—Messrs. President, Chilton, Cleveland, Fleming, Heflin, Higgins, Rowe, Wood.

Mr. Jones of Greene: a bill to incorporate the Alabama Insurance and exchange company at Tuskegee; which was read three times and passed.

On motion of Mr. Bynum, the "Bill for the relief of Levi Pike," was taken from the table, read a third time and passed.

Mr. Walker: a bill to regulate the taxes on lands granted by Congress to aid in the construction of railroads in the State of Alabama; which was read three times and passed.

Mr. Bullock, from the committee on the judiciary, reported favorably on the House bill "To authorize John Varner and others to continue fish traps on Coosa river."

The bill was read a third time and passed.

The caption was amended by adding: "and the protection of fish traps in the State."

Also, favorably to the bill "For the relief of the executors of John C. Waters."

The bill was read a third time and passed.



Also, adversely to the bill "To amend section 2983 of the Code."

The report was concurred in.

Mr. Walker, from the committee on corporations, reported adversely to the bill "Supplemental to an act to incorporate the South and North Alabama manufacturing company, now pending in the General Assembly."

The report was concurred in.

On motion of Mr. Bullock, the vote concurring in the report was reconsidered, and

On motion of Mr. Brewer, the report was laid on the table.

Mr. Brewer moved to amend as follows:

*Provided*, That the said company shall not act as the agent of any bank incorporated by, or located in, another State, in carrying on the business of banking in this State, and shall not borrow from any such banks, any bank notes, money or credits, and use the same in this State in lending out the same, or in discounting notes, or in dealing in exchange.

The amendment was adopted, the bill read a third time and passed.

The House bill to establish and define the line between the counties of Jackson and DeKalb, was taken from the table, read a third time and passed by a constitutional majority of two-thirds.

Mr. Rowe moved to reconsider the vote by which the veto of the Governor to the bill "To incorporate the Tuscaloosa Insurance company," was sustained.

The motion was postponed until 10 o'clock.

The House bill to authorize the legal voters of Robinson's Cross Roads in Montgomery county, and the legal voters in Gainestown beat in Clarke county, to hold an election as to the sale of liquors in said beats, was read a third time and passed.

Also, to amend the law in relation to public roads, was read a third time and passed.

Yeas 11, nays 10.

Yeas—Messrs. Brewer, Cleveland, Cocke, Heflin, Hill, Jones of Greene, McSpadden, Nelson, Stone, Toulmin, and Walker.

Nays—Messrs. President, Bynum, Calhoun, Felder, Fleming, Higgins, Mitchell, Rowe, Wood, and Woodward.

Also, the bill to enable the executor or executrix of H. V. Wooten, deceased, to invest the accumulated funds of said estate in personal and real estate, was read a third time.

The Senate refused to pass the bill.

Message from the House by Mr. Clitherall:

House of Representatives, Feb. 24.

Mr. President: The House has passed the following Senate bill:

For the relief of Brittan & DeWolf.

The House of Representatives recedes from its amendment to the Senate bill to incorporate the Southern express company.

Has amended and passed Senate bills:

For the relief of M. J. Ledbetter, of the county of Franklin, and Green S. Cox, of the county of Barbour;

To authorize the commissioners court of the county of Franklin, to build a bridge in the corporation of Tuscumbia;

To loan arms and accoutrements to Paul W. Dodson; principal of the Tuskegee Collegiate Institute, in the county of Macon;

Has passed Senate bills:

To authorize B. F. Noble to dispose of certain property held by him in trust for the benefit of his *cestui que* trust;

To incorporate the Henry Greys, of Henry county;

To incorporate the Mobile turner community;

To incorporate the Central Warehouse company;

Declaring Omussa creek, in the county of Henry, and other public streams in Mobile county, public highways;

To prevent the increase of paupers in Marshall county;

To authorize the corporate authorities of Wetumpka to subscribe to the capital stock of the South and North Alabama railroad company;

To compensate C. F. Lewis, sheriff of Macon county, for services rendered.

To incorporate the Columbus and Florence railroad company.

To regulate the working of a certain road in Madison county.

To amend an act to incorporate the State Mutual Insurance company.

To incorporate the Mechanics' Aid Association of Mobile.

For the relief of Burrell Jonson, tax collector of Perry county.

To incorporate the Pickens Academy.

To exempt persons exhibiting shows on the fair grounds of the Alabama Agricultural Society, during their annual fair from certain penalties.

To incorporate the Opelika Insurance company.

To incorporate the Talladega Marble company.

To incorporate the South Alabama Manufacturing company.

To amend the charter of the Uniontown and Jackson railroad company.

To legalize the sale of land in section 16, township 18, range 19, &c.

Has originated and passed bills—

To declare Thomas Watson a citizen of St. Clair.

To authorize R. G. Welch, to erect gates across a certain public road therein named.

To exempt certain persons therein named from working on public roads.

To dispose of the masonry and other fixtures of the Muscle Shoals.

For the relief of the owners of fish traps in the Tennessee river.

To incorporate the Union Insurance company.

To amend the act to render more efficient the system of free public schools in the State of Alabama.

The House has concurred in the amendment made by the Senate to the House "bill to be entitled an act to amend section 3249 of the Code."

The House bill to regulate the time of holding the courts in the 5th judicial circuit having been read twice;

Mr. McSpadden moved to amend as follows:

Strike out the fourth Monday in February and August where they occur after the word "Madison," and insert in lieu thereof "the first Monday after the fourth Monday in February and August."

Also, strike out the "second Monday after the fourth Monday in February and August" where they occur, after the word "Marshall," and insert the fourth Monday in February and August."

Also, transpose the counties of Madison and Marshall.

On motion of Mr. Fleming, the amendment was laid on the table.

Mr. McSpadden moved to lay the bill on the table; which was lost.

Yeas 9, nays 11.

Yeas—Messrs. President, Cocke, Hill, Jones of Greene, McSpadden, Mitchell, Rowe, Toulmin and Walker.

Yeas—Messrs. Brewer, Bynum, Calhoun, Cleveland, Felder, Fleming, McIntyre, Nelson, Stone, Wood and Woodward.

The bill was ordered to a third reading.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, it being the motion of Mr. Brewer to reconsider the vote by which the "bill to encourage direct trade between the Southern States and foreign countries," was indefinitely postponed.

The vote was reconsidered.

Nays—Messrs. Brewer, Bullock, Chilton, Cleveland, Cocke, Jones of Greene, Nelson, Rowe, Stone, Toulmin, Walker, Wood, Woodward—13.

Nays—Messrs. President, Felder, Higgins, Hill, McIntyre, McSpadden, Mitchell—7.

Mr. McSpadden moved to amend as follows:

SEC. —. Be it further enacted, That there shall be no tax assessed or collected of any citizen of this State upon any property owned by him or her, which may have been acquired by Southern labor, or directly imported from any foreign country."

Mr. Bullock moved the previous question, which was sustained.

Yeas 15, nays 5.

Yeas—Messrs. President, Bullock, Calhoun, Chilton, Cleveland, Cocke, Jones of Greene, Nelson, Rowe, Stone, Toulmin, Walker, Wood, Woodward.

Nays—Messrs. Bynum, Fleming, Hill, McSpadden, Mitchell.

The bill was ordered to a third reading.

Yeas 13, nays 10.

Yeas—Messrs. Bullock, Calhoun, Chilton, Cleveland, Cocke, Jones of Greene, Nelson, Rowe, Stone, Toulmin, Walker, Wood and Woodward.

Nays—Messrs. President, Brewer, Bynum, Felder, Fleming, Hill, McIntyre, McSpadden, Mitchell.

The bill was read a third time and passed.

Yeas 13, nays 10.

Yeas—Messrs. Bullock, Calhoun, Chilton, Cleveland, Cocke, Jones of Greene, Nelson, Rowe, Stone, Toulmin, Walker, Wood and Woodward.

Nays—Messrs. President, Brewer, Bynum, Felder, Fleming, Higgins, Hill, McIntyre, McSpadden, Mitchell.

The Senate concurred in the amendments made by the House to the bills:

To authorize the Governor to loan arms and accoutrements to Paul W. Dodson, principal of the Tuskegee Collegiate Institute, in the county of Macon.

To authorize the court of county commissioners of Franklin county to build a bridge in the corporation of Tuscumbia.

Also, to the bill for the relief of M. J. Ledbetter, of Franklin county, and Green S. Cox, of Barbour county, except so much as relates to Green S. Cox.

The House bills—

To authorize R. G. Welsh to erect gates across a certain public road therein named;

To dispose of the masonry and fixtures of the Muscle Shoals Canal;

For the relief of the owners of fish traps on the Tennessee river;

To incorporate the Union Insurance company;

To amend an act to render more efficient the system of free public schools in the State of Alabama;

Were severally read three times and passed.

The House bills:

To exempt certain persons therein named from working on public roads and performing military duty;

To declare Thomas Watson a citizen of St. Clair county;

Were read twice and laid on the table.

The bill to amend the free public school law of the State of Alabama, approved February 14th, 1856, was read a third time and laid on the table.

Yeas 13, nays 10.

Yeas—Messrs. President, Bynum, Calhoun, Cocke, Felder, Fleming, Higgins, Jones of Greene, McSpadden, Rowe, Stone, Toulmin, Walker.

Nays—Messrs. Brewer, Bullock, Chilton, Cleveland, Griffin, Hill, McIntyre, Mitchell, Nelson, Wood.

The House bill to constitute Eveline A. Tichnor a free dealer, was taken from the table, read a third time and passed.

Yeas 14, nays 5.

Yeas—Messrs. President, Chilton, Cleveland, Felder, Fleming, Higgins, Jones of Greene, McIntyre, McSpadden, Nelson, Rowe, Stone, Toulmin, Woodward.

Nays—Messrs. Bullock, Calhoun, Cocke, Hill, Walker.

The House bill for the relief of the estate of Morgan Smith, deceased, of Lowndes county, was taken from the table, read a third time and passed.

The Senate then adjourned until half past three o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. McSpadden, from the committee on the judiciary, reported favorably to the bill "to authorize the administrator of John . Bates, (late of Cherokee county) deceased, to sell slaves and invest the proceeds in lands."

The bill was read a third time and passed.

The House bill to equalize the taxes on goods sold in this State, was taken from the table.

Mr. Bullock moved to amend, by striking out the 4th section, which was carried.

Also, to strike out the words "other than merchants," in the first section, which was carried.

The bill was then read a third time and passed.

Message from the House, by Mr. Clitherall.

#### House of Representatives, Feb. 24.

Mr. President: The House has passed the Senate bills:

To incorporate the Tuscaloosa Insurance company.

To prevent the sale of spirituous liquors within two miles of Columbiana Institute.

To abolish and establish an election precinct in the county of Mobile.

To incorporate the Benton Guards, in Lowndes county.

To provide for the calling of a convention of the people of Alabama, for the purpose of amending the constitution thereof, or the formation of a new constitution.

To incorporate the Lafayette Insurance company.

To incorporate the Alabama Insurance and Exchange company at Tuskegee.

Joint resolutions of the General Assembly of Alabama in response to the resolutions of South Carolina.

The House has amended and passed the Senate bills:

More effectually to secure fines and forfeitures.

To establish a city and county court for the city and county of Montgomery.

The House has concurred in the amendment made by the Senate to the House bill to compensate John L. Bunch for catching a felon, &c.

The House has originated and passed bills of the following titles:

To make Hannah Ferguson of Winston county, a free dealer as to property hereafter to be acquired by her.

Regulating grand and petit jurors for the county of Walker.

In relation to the 16th section fund, and for the more effectual security of the same.

To collect and loan a portion of the two per cent fund.

The House has passed the Senate bill to construe and extend the operation of the revenue laws of Alabama, in certain cases therein named.

The Senate concurred in the amendments made by the House to the bill the more effectually to secure and collect fines and forfeitures, and for other purposes.

The bill (as amended by the House) to establish a county court for Montgomery county, was read.

Mr. Chilton moved to lay the bill on the table, which was lost.

The Senate concurred in the amendments.

The House bills :

To collect and loan a portion of the two per cent fund ;

In relation to the 16th. section fund, and for the more effectual security of the same ;

Regulating grand and petit jurors for the county of Walker ;

To make Hannah Ferguson of Winston county, a free dealer as to property hereafter acquired by her ;

Were severally read three times and passed.

Mr. McSpadden, from the committee on divorce and alimony, reported adversely to the petition of Newsom Randal, to be relieved from the penalty of the law for bigamy.

The report was concurred in.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following :

To pay W. B. & A. R. Bell & Co., White, Pfister & Co., and N. Becker ;

To protect guardians ;

To impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama ;

Incorporating the town of Rockford, in Coosa county ;

For the relief of Daniel Lankford, of Fayette county ;

To secure to the State of Alabama the lands appropriated to the State of Arkansas, and other States to reclaim the swamp lands within their limits by act of Congress, approved September 28, 1850 ;

To amend the charter of the town of Marion ;

To incorporate the Coosa navigation and coal mining company ;

To incorporate the Troy insurance company, in Pike county ;

To incorporate the Greenville insurance company in the county of Butler ;

For the relief of Burrell Johnson, tax collector of Perry county ;

To incorporate the Randolph mining, manufacturing and transportation company ;

Joint resolution calling a convention of the people of Alabama in a certain contingency in the election of a President of the United States ;

To compensate C. F. Lewis, sheriff of Macon county for services rendered

To amend an act to incorporate the State mutual insurance company, approved Feb. 6, 1858;

To incorporate the Pickens academy;

To legalize the sale of land in section 16, township 18, range 19, and to provide for the re-sale of the unsold portion of the same;

To exempt persons exhibiting shows on the fair grounds of the Alabama State agricultural society, during their annual fairs, from certain penalties;

To regulate the working of a certain road in Madison county;

To incorporate the Talladega marble company;

To amend an act entitled an act to incorporate the Mobile omnibus company, approved January 26, 1858;

To amend the charter of the Uniontown and Jackson railroad company;

To incorporate the South Alabama manufacturing company;

For the relief of Brittan & DeWolf;

To incorporate the Georgia and Alabama railroad company;

To incorporate the mechanics' aid association of Mobile;

To prevent the Northern bank of Alabama, at Huntsville, from paying out notes of banks of other States;

To abolish and establish an election precinct in the county of Mobile.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, Feb. 25, 1860.

The Senate met pursuant to adjournment.

On motion of Mr. Jones of Greene, the roll of Senators was called, when were found present:

Messrs. President, Brewer, Bullock, Cocke, Felder, Fleming, Griffin, Higgins, Hill, Jones of Greene, McIntyre, Mitchell, Nelson, Rowe, Stone, Toulmin, Walker, Wood and Woodward.—19.

Message from the House by Mr. Clitherall:

The House has originated and passed bills of the following titles:

To divorce Elijah Moncrief from Elizabeth Moncrief;

To authorize the sale of the State arsenal in Tuscaloosa;

To incorporate the Coffee county agricultural society;

To amend the charter of the town of Eutaw, in Greene county;

To incorporate the Camden insurance company.

The House has passed Senate bills of the following titles:



To amend the charter of the city of Montgomery ;  
 For the relief of John Jeter, of Montgomery county ;  
 Increasing the cells in the State penitentiary, and for other purposes ;

To regulate election districts, and for other purposes ;  
 For the relief of the administrator of Jacob Mitchell, deceased ;  
 For the relief of Robert Lewis, of Greene county ;  
 Permitting free negroes to become slaves ;  
 To allow Bolling Hall to establish a gate across a public road ;

To regulate the taxes on lands granted by Congress to aid in the construction of railroads in the State of Alabama ;

To require the commissioners' courts of the several counties of the State to furnish blanks to tax assessors ;

To authorize the execution of a deed to R. S. Heflin ;

To continue in force the existing law in relation to the State bank and branches.

The House has originated and passed a bill to suspend the operation of an act passed at the present session in regard to the Northern bank of Alabama.

For the relief of Olivia G. Dugger, and others of Marengo county.

The House concurs in the Senate amendment to the House bill for the relief of Mr. J. Ledbetter, of Franklin county, and Green S. Cox, of the county of Barbour.

Message from the Governor, by Mr. W. Phelan.

Mr. President : His Excellency, the Governor, has approved bills which originated in the Senate, of the following titles :

An act to provide for an efficient military organization of the State of Alabama ;

An act to amend the charter of the Cahaba, Marion and Greensboro railroad company ;

An act to renew an act to extend the debts due the 16th sections ;

An act for the relief Thomas Kellough ;

An act for the relief of W. F. Rose, tax collector of Lawrence county ;

An act to regulate the sale of spirituous liquors in precinct No. 5, in the county of Shelby ;

An act to incorporate the Greenville hotel company, in the county of Butler ;

An act to amend the charter of the city of Wetumpka ;

An act to incorporate the Greenville insurance company, in the county of Butler ;

An act to compensate C. E. Lewis of Macon county for services rendered ;

An act for the relief of Burrell Johnson, tax collector of Perry county ;

An act to protect guardians ;

An act to incorporate the Coosa navigation and coal mining company ;

An act to regulate the working of a certain road in Madison county ;

An act to secure to the State of Alabama the benefits of the act of Congress of Sept. 28th, 1850, by which all the swamp and overflowed lands within her limits unsold at the passage of said act, were granted to her upon certain conditions therein mentioned ;

Joint resolutions calling a convention in a certain contingency in the election of a President of the United States ;

An act to exempt persons exhibiting shows on the fair grounds of the Alabama agricultural society, during their annual fair from certain penalties ;

An act to amend an act to incorporate the State mutual insurance company, approved Feb. 6th, 1858 ;

An act to incorporate the Randolph mining, manufacturing and transportation company ;

An act to loan a part of the three per cent. fund to the Uniontown and Jackson, Selma and Gulf railroad, and Cahaba, Marion and Greensboro railroad companies ;

An act for the relief of Robert Curtis of the county of Choctaw ;

An act for the relief of Louis Dolive, tax assessor of Baldwin county ;

An act to allow creditors without liens, to file bills for the collection of debts in certain cases ;

An act to incorporate the Talladega exchange ;

An act to prevent the Northern Bank of Alabama, at Huntsville, from paying out the notes of banks of other States ;

An act for the relief of Daniel Lankford, of Fayette county ;

An act incorporating the town of Rockford, in Coosa county ;

An act to amend the charter of the town of Marion ;

An act to incorporate the Troy insurance company, in Pike county ;

An act to incorporate the Talladega marble company ;

An act to amend an act entitled an act to incorporate the Mobile omnibus company, approved Jan. 26, 1858 ;

An act to amend the charter of the Uniontown and Jackson railroad company;

An act for the relief of Brittan & DeWolf;

An act to incorporate the South Alabama manufacturing company;

An act to revive and continue in force an act to incorporate the Mobile live stock and general insurance company, approved 20th December, 1851, as amended by an act entitled an act to alter and amend an act to incorporate the Mobile live stock and general insurance company, approved Dec. 20, 1856;

An act to incorporate the Georgia and Alabama railroad company;

An act to impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama;

An act to pay W. B. and A. R. Bell & Co., White, Pfister & Co., and N. Becker;

An act to legalize the sale of land in section 16, township 18, range 19, and to provide for a re-sale of the unsold portion of the same;

An act to incorporate the Pickens Academy;

An act to secure to the State of Alabama the lands appropriated to the State of Arkansas and other States; to re-claim the swamp lands within their limits by act of Congress, approved September 28, 1850;

An act to prevent the sale of spirituous liquors within two miles of Columbiana Institute;

An act to authorize Benjamin F. Noble to dispose of certain property held by him in trust for the benefit of his *cestui que trust*;

An act to establish a county court for Montgomery county;

An act to incorporate the LaFayette insurance company;

An act to incorporate the Tuscaloosa insurance company;

An act to construe and extend the operations of the revenue laws of Alabama in certain cases therein named:

An act to incorporate the Henry Grays, in Henry county;

An act to incorporate the Mobile Turner Community;

An act to incorporate the Alabama insurance and exchange company, at Tuskegee;

An act declaring Omurra Creek, in the county of Henry, and other streams in Mobile county, public highways.

I also return to the Senate, without the approval of the Governor and with his objections thereto, "A bill to be entitled an act to amend an act incorporating the Bellville male and female academy, approved Feb. 13, 1854."

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 25, 1860.

*Gentlemen of the Senate:*

A bill to be entitled "An act to amend an act incorporating the Bellville Male and Female Academy, approved February 13, 1854," is herewith returned to the Senate, where it originated, without my approval. This bill prohibits the sale of spirituous or vinous liquors within two miles of said academy. The prohibition is absolute and general, not excepting those who may sell it for medicinal or sacramental purposes. For this reason I have declined to approve the bill. It is carrying the restriction to an extent not required by good morals or public policy.

Respectfully,

A. B. MOORE.

The House bills:

For the relief of Olivia G. Dugger and others, of Marengo county;

To suspend the operations of an act passed at the present session in regard to the Northern Bank of Alabama;

Were severally read three times and passed.

The Senate adjourned until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Upon a call of the roll, the following Senators were found to be present:

Messrs. President, Brewer, Bullock, Cocke, Felder, Fleming, Griffin, Hill, Jones of Greene, McIntyre, Mitchell, Nelson, Stone, Toulmin, Walker, Wood, and Woodward.—17.

Message from the House by Mr. Elmore.

Mr. President: The House of Representatives has adopted the following joint resolution:

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That as I. J. Morris is a native of the South and a graduate of the University of Alabama, his English Grammar should be commended to the careful attention of Southern teachers.

The House has adopted

A joint memorial of the General Assembly of the State of Alabama to the Congress of the United States.

The House concurs in the amendment made by the Senate to the House bills:

To establish a medical board in Coosa county;  
 To equalize the taxes on goods sold in this State;  
 To authorize John Varner and others to continue fish traps on Coosa river, and for the protection of fish traps in the State.

Mr. Brewer, from the committee on enrolled bills, reported as correctly enrolled the following:

To construe and extend the operation of the revenue laws of Alabama in certain cases therein named;

To provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution thereof, or the formation of a new constitution;

To prevent the sale of spirituous liquors within two miles of Columbiana Institute;

To incorporate the Tuscaloosa insurance company;

To establish a county court for Montgomery county;

To incorporate Lafayette insurance company;

To incorporate the Mobile Turner Community;

To compensate jailors for prisoners who have escaped;

The more effectually to secure and collect fines and forfeitures, and for other purposes;

An act to be entitled an act to authorize Benjamin F. Noble to dispose of certain property, held by him in trust, for the benefit of his *cestui que trust*;

To compensate jailors for the care of prisoners who have escaped:

To incorporate the Henry Grays, in Henry county;

An act declaring the Omursa Creek, in the county of Henry, and other streams in Mobile county, public highways;

An act to incorporate the Alabama insurance and exchange company, at Tuskegee;

To authorize the Governor to loan arms and accoutrements to Paul W. Dodson, Principal of the Tuskegee Collegiate Institute, in the county of Macon, and also the Principal and Trustees of the Military Academy at Glennville, in Barbour county;

To authorize the county commissioners of Franklin county to build a bridge in the corporation of Tuscumbia;

To prevent the increase of paupers in Marshall county;

For the relief of M. J. Ledbetter, of the county of Franklin, and Green S. Cox, of the county of Barbour;

To regulate the taxes on lands granted by Congress to aid in the construction of railroads in the State of Alabama;

For the benefit of Robert Lewis, of Greene county;

To incorporate the Southern express company;

To incorporate the Opelika insurance company ;  
 Joint resolutions of the General Assembly of Alabama in response to the resolutions of South Carolina ;

To require the commissioners courts of the several counties of this State to furnish blanks to tax assessors ;

For the relief of John Jeter, of Montgomery county ;

An act to authorize the execution of a deed to certain lands to R. S. Heflin by the Governor of this State ;

An act for the relief of the administrator of Jacob Mitchell, deceased ;

An act to incorporate the Benton Guards, in Lowndes county ;

An act to regulate election districts, and for other purposes ;

An act to incorporate the Columbus and Florence railroad company ;

An act for increasing the number of cells in the State Penitentiary, and for other purposes ;

An act to continue in force the existing laws in relation to the State Bank and branches ;

An act to allow Bolling Hall to establish a gate across a public road ;

An act to authorize the corporate authorities of Wetumpka to subscribe to the capital stock of the South and North Alabama railroad, the Bank of Alabama, and for other purposes ;

An act to amend the charter of the city of Montgomery ;

An act to incorporate the Central Warehouse Company ;

An act permitting free negroes to select a master and become slaves ;

Message from the Governor by Mr. Phelan :

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles :

An act the more effectually to secure and collect fines and forfeitures, and for other purposes ;

An act to revive an act therein specified, and for other purposes ;

An act to abolish and establish an election precinct in the county of Mobile ;

An act to compensate jailors for the care of prisoners who have escaped ;

An act for the relief of M. J. Ledbetter, of the county of Franklin, and Green S. Cox, of the county of Barbour ;

An act to authorize the court of county commissioners of Franklin county, to build a bridge in the corporation of Tusculumbia ;

An act to require the commissioners court of the several counties of this State to furnish blanks to tax assessors ;

An act to regulate taxes on land granted by Congress to aid in the construction of railroads in the State of Alabama ;

An act for the benefit of Robert Lewis, of Greene county ;

An act to authorize the execution of a deed to certain land to R. S. Heflin, by the Governor of this State ;

An act to prevent the increase of paupers in Marshall county ;

An act to incorporate the Opelika Insurance company ;

An act for the relief of John Jeter, of Montgomery county ;

Joint resolutions of the General Assembly of Alabama in response to the resolutions of South Carolina ;

An act to incorporate the Southern express company ;

An act to incorporate the Benton Guards in Lowndes county ;

An act to regulate election districts, and for other purposes ;

An act to incorporate the Columbus and Florence railroad company ;

An act increasing the number of cells in the State Penitentiary, and for other purposes ;

An act to continue in force the existing laws in relation to the State bank and branches ;

An act to allow Boling Hall to establish a gate across a public road ;

An act permitting free negroes to select a master and become slaves ;

An act to amend the charter of the city of Montgomery ;

An act to authorize the corporate authorities of Wetumpka to subscribe to the capital stock of the South and North Alabama railroad, the bank of Alabama, and for other purposes ;

An act to incorporate the Central Warehouse company.

The joint memorial of the General Assembly of the State of Alabama to the Congress of the United States, was read three times and adopted.

On motion of Mr. Bullock ;

The Senate adjourned until Monday morning, 11 o'clock.

MONDAY, Feb. 27, 1860.

The Senate met pursuant to adjournment.

Message from the House by Mr. Clitherall :

House of Representatives, Feb. 7.

Mr. President : The House of Representatives has adopted the following resolution :

*Resolved*, That a committee of three be appointed by the

Speaker, to act with a like committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses having finished the business before them, are now ready to proceed to adjourn *sine die*, unless he has some further communication to lay before them.

Messrs. Clitherall, Gilchrist and Lane said committee.

The Senate concurred in the resolution, and Mr. President appointed the following Senators the committee on the part of the Senate: Messrs. Brewer, McIntyre and Mitchell.

On motion of Mr. Brewer, (Mr. Rowe in the chair,)

*Resolved*, That our warmest regards are hereby tendered to the officers of the Senate. To the President, for that dignity, courtesy and impartiality, with which he has presided over us. To the Secretaries, for their promptitude, skill and correctness. To the Door Keeper, for his gentlemanly attention and watchfulness. And this is no unmeaning resolution, but the sincere expression of a Senate, satisfied that no similar body has ever been better officered.

Message from the Governor by Mr. Phelan :

Mr. President: His Excellency, the Governor, has approved bills which originated in the Senate of the following titles :

For the relief of the administrator of Jacob Mitchell, dec'd ;

To authorize the Governor to loan arms and accoutrements to Paul W. Dodson, principal of the Tuskegee Collegiate Institute, in the county of Macon ; and also to the principal and trustees of the Military Academy at Glennville, in Barbour county.

Mr. Brewer, from the committee to wait on the Governor, reported that his Excellency had no further communication to make to the Senate.

The hour for the final adjournment having arrived, Mr. President arose and made the following remarks :

The hour of final adjournment has arrived, and the pleasant intercourse which has characterized our deliberations during the entire session is about to terminate by the separation now to take place ; a separation which brings to my mind the most sincere regret ; for the uniform indulgence and kindness which I have received at your hands, have so endeared to my heart each Senator who has a seat on this floor, that time cannot efface the most fixed and satisfactory remembrance of such friends.

You have been pleased to accord me a vote of thanks for the



manner in which I have discharged the duties of the Chair; for this you have my grateful acknowledgments. Doubtless I have committed errors in the discharge of those duties, yet in the charity of your judgment you have caused no record thereof to be made on the journal; but passing them by, you have directed your attention to the consideration of those questions which more affected the interests of the Commonwealth.

The proceedings of this session now form a part of the history, of the State, and I trust the laws that have been enacted, will in their administration be found well adapted to the wants and interests of our people, and that this Legislature will long be recognized as one that has accomplished much for the advancement of both the moral and material wealth of the Republic.

And now, Senators, in conclusion, I can but express the wish that you may each return in safety to your respective homes, and there meet the cordial welcome of confiding constituencies, and the joyous smiles of happy families. Farewell.

I now pronounce this Senate adjourned *sine die*.

JOHN D. RATHER,  
President Senate.

MICAH TAUL, Secretary Senate.

# INDEX.

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**AUSTIN, MR.**—Introduced bills, 30, 36, 56, 166; made motion, 156; offered resolutions, 44, 156; made report, 183.

**BREWER, MR.**—Introduced bills, 8, 38, 56, 155, 157, 193, 212, 268, 322, 324, 358, 364, 380; made motions, 69, 84, 108, 113, 126, 235, 276; moved to amend, 108, 238, 270, 315, 318, 333, 337, 350, 354, 375, 388; moved to reconsider, 387; moved to lay on table, 79, 108, 336, 386; moved to adjourn, 289, 374; offered resolution, 47; made reports, 159, 212, 238, 245, 275, 288, 325, 326, 333, 347, 360, 365, 377, 394, 400, 403; joint resolution, 47; presented petitions, 116, 285; presented account, 202.

**BULLOCK, MR.**—Introduced bills, 38, 42, 56, 74, 96, 109, 120, 133, 140, 146, 154, 168, 173, 177, 204, 212, 243, 248, 266, 275, 298; made motions, 41, 43, 61, 94, 119, 127, 181, 195, 201, 241, 245, 287, 387, 388; moved to amend, 84, 103, 119, 160, 166, 178, 193, 204, 291, 304, 320, 393; moved to reconsider, 197, 248, 299; moved to lay on table, 146, 204, 235; moved to adjourn, 195, 279, 284, 289, 307, 374; moved the previous question, 71, 204, 391; offered resolutions, 9, 10, 32, 60, 108, 234; made reports, 33, 38, 39, 47, 56, 60, 65, 71, 75, 77, 90, 102, 109, 116, 133, 134, 141, 160, 165, 169, 174, 178, 179, 180, 181, 191, 193, 194, 202, 207, 208, 245, 257, 258, 287, 288, 296, 297, 298, 299, 300, 314, 325, 359, 387; presented petition, 236; presented protest, 340, 341.

**BURNETT, MR.**—Introduced bills, 65, 131, 140, 190, 212, 255, 292, 298, 318, 358, 369; made motions, 30, 71, 112, 182, 241, 254, 363; moved to amend, 45, 71, 192, 203, 209, 289, 303, 313, 322, 351; moved to reconsider,

40, 119, 204, 264, 322; moved to lay on table, 278, 284, 304, 305, 325; moved to adjourn, 146, 256, 299; made reports, 33, 111, 116, 127, 178, 210, 234, 258, 280, 319.

BYNUM, MR.—Introduced bills, 30, 38, 47, 86, 89, 125, 263, 292, 387; made motions, 65, 70, 122, 268, 319, 369; moved to amend, 34, 357, 360; moved to reconsider, 114; moved to lay on table, 52, 110, 279, 315, 333, 336, 357, 377; moved to adjourn, 49, 261, 265, 305, 314; offered resolution, 71; made reports, 44, 104, 248, 300; presented memorial, 69; presented petition, 256.

CALHOUN, MR.—Introduced bills, 42, 43, 50, 113, 155, 168, 173, 233, 248, 285, 362; made motions, 40, 66, 127, 154, 163, 194, 203, 212, 290, 318, 322, 337, 342, 351, 386; moved to amend, 45, 52, 53, 83, 179, 181, 185, 188, 192, 248, 265, 279, 286, 289, 298, 308, 354, 377, 382; moved to reconsider, 208; moved to lay on table, 38, 48, 70, 364; moved to adjourn, 126, 256, 290, 305, 345; moved the previous question, 363; offered resolutions, 7, 37, 126, 176, 252, 292; made reports, 39, 42, 54, 91, 99, 110, 113, 126, 136, 137, 174, 181, 182, 185, 198, 258, 298; presented memorial, 208.

CHILTON, MR.—Introduced bills, 36, 42, 48, 77, 101, 105, 109, 133, 159, 177, 186, 202, 212, 256, 263, 279, 285, 308; made motions, 64, 125, 182, 186, 209, 267, 318; moved to amend, 75, 111, 142, 162, 192, 209, 210, 288, 304; moved to reconsider, 208; moved to lay on table, 135, 298, 394; moved to adjourn, 125, 265; offered resolution, 6; made reports, 44, 105, 147, 182, 184, 211, 280, 293, 306, 310, 311; moved the previous question, 83; presented petitions, 42, 251; joint resolutions, 48, 56.

CLEVELAND, MR.—Introduced bills, 37, 50, 120, 140, 299, 314, 377; made motions, 66, 143, 163, 166, 337; moved to amend, 143, 166, 304, 305; moved to lay on table, 106, 166, 314; moved to adjourn, 345; offered resolution, 209.

COCKE, MR.—Introduced bills, 36, 38, 47, 90, 113, 116, 154, 155, 162, 169, 202, 207, 212, 242, 243, 308, 322, 324, 346, 364, 376; made motions, 9, 71, 78, 118, 119, 120, 127, 151, 162, 174, 177, 182, 188, 189, 212, 244, 251, 254, 284, 288, 290, 318, 325, 344, 369; moved to amend, 41, 43, 54, 68, 69, 99, 110, 120, 136, 160, 175, 181, 190, 192, 245, 255, 278, 279, 304, 305, 318, 334, 363; moved to reconsider, 125, 264; moved to lay on table, 134, 165,

167, 192, 203, 246, 291, 304, 308, 323, 386; moved to adjourn, 125, 139, 265, 346; offered resolutions, 46, 51, 171; made reports, 70, 241, 291, 309, 360, 373; presented petitions, 169, 243.

**COMMITTEES.**—(Standing,) 28, 29.

**ELECTIONS.**—Of President, 4; of Secretary, 4, 5; of Assistant Secretary, 5; of Doorkeeper, 6; State Printer, 31; of Judge of Supreme Court, 36; of Chancellor of Southern Division, 63, 64; of Attorney General, 135; of Secretary of State, 144, 145; of Solicitor 4th judicial circuit, 214; of Solicitor 1st judicial circuit, 214, 215; of Solicitor 3d judicial circuit, 215, 216, 27; of Solicitor 5th judicial circuit, 217, 218, 219, 220, 221, 222, 223, 224, 125, 126, 127, 128, 129, 130, 131, 132, 133; of Solicitor 6th judicial circuit, 242; of Solicitor 9th judicial circuit, 327; of Trustees of University, 328, 329; of Quartermaster General, 329, 330, 331, 332; of Adjutant General, 332, 333.

**FELDER, Mr.**—Introduced bills, 38, 105, 215, 126, 155, 164, 263, 275, 285, 300, 322, 346, 358, 365, 377; made motions, 40, 43, 54, 120, 158, 336; moved to amend, 47, 99, 143, 334, 336, 350; moved to lay on table, 340, 375; moved the previous question 283; offered resolutions, 7, 34, 53, 93, 118; made reports, 108, 142, 161, 298, 309; presented petitions, 155, 159, 353; presented accounts, 155, 166.

**FLEMING, Mr.**—Introduced bills, 42, 86, 90, 133, 155, 175, 204, 307, 291; made motions, 189, 268, 314, 368; moved to amend, 192, 263, 264; moved to re-consider, 376; moved to lay on table, 191, 334, 390; moved to adjourn, 125, 299, 317; moved the previous question, 369; offered resolutions, 35, 133; made reports, 92, 111, 117, 118, 185, 214, 233, 234, 301, 302, 361; presented protest, 358.

**GRIFFIN, Mr.**—Introduced bills, 53, 131, 159, 164, 190, 195, 242; made motions, 143, 205, 249, 262; moved to amend, 54, 160, 179, 249, 340; moved to re-consider, 211, 239; moved to lay on table, 71, 178; moved to adjourn, 279; 314; presented petitions, 159.

**HEFLIN, Mr.**—Introduced bills, 36, 74, 169, 364; moved to amend, 146, 340; moved to lay on table, 309; moved the previous question, 313; presented accounts, 276.

**HIGGINS, Mr.**—Introduced bills, 33, 55, 249, 257, 265, 358; made motions, 291, 323, 354; moved to amend, 191;

- moved to re-consider, 263; moved to adjourn, 73, 307; offered resolutions, 41.
- HILL, Mr—Introduced bills, 36, 56, 151, 185, 279, 376; made motions, 52, 122, 181, 233, 244, 251, 256, 320, 354, 369; moved to amend, 47, 88, 119, 188, 189; moved to lay on table, 112; offered resolutions, 233; joint resolutions, 207.
- HORN, Mr—Introduced bills, 29, 163, 168, 169, 191, 207, 275; made motions, 355, 307, 342; moved to amend, 192; moved to adjourn, 306, 346; offered resolutions, 6; joint resolution, 163.
- JACKSON, Mr—Introduced bills, 30, 38, 47, 56, 102, 105, 165, 173, 185; moved to amend, 47, 51; moved to lay on table, 100; moved to adjourn, 290; made reports, 111, 120, 142, 179, 267; moved the previous question, 100.
- JEMISON, Mr—Introduced bills, 8, 9, 77, 140, 146, 156, 169, 173, 191, 196, 207, 266, 279, 307, 308, 309, 380; made motions, 44, 83, 124, 179, 205, 251, 262, 275, 278, 358; moved to amend, 64, 78, 195, 237, 245, 268, 283, 314, 315, 336, 351, 364; moved to re-consider, 88; moved to lay on table, 70, 252; moved to adjourn, 125, 261, 262, 279, 284, 317, 321; moved the previous question, 203; made reports, 51, 78, 79, 80, 81, 82, 83, 135, 137, 138, 203, 204, 238, 249, 260; presented memorial, 280.
- JONES, Mr. OF FAYETTE—Introduced bills, 65, 77, 155, 256; made motions, 71, 126; moved to amend, 72, 173, 316, 325, 345; made reports, 169, 181, 184, 199, 257, 259, 277, 278, 300; joint resolutions, 65; presented petitions, 77.
- JONES, Mr. OF GREENE—Introduced bills, 8, 36, 38, 46, 50, 77, 86, 115, 126, 159, 164, 165, 173, 174, 243, 248, 275, 323, 333, 387; made motions, 8, 82, 85, 119, 121, 133, 162, 170, 174, 194, 195, 239, 256, 286, 306, 362; moved to amend, 70, 72, 114, 252, 256, 262, 263, 284, 313, 350; moved to re-consider 69, 72, 119, 267; moved to adjourn, 289, 313; moved to lay on table, 64, 106, 175, 279; moved the previous question, 320; offered resolutions, 113; made reports, 47, 69, 75, 83, 84, 104, 109, 110, 118, 121, 142, 237, 239, 248, 260, 266, 286, 309, 314, 345, 350, 359, 379; Presented petitions, 38, 96.
- cINTYRE, Mr—Introduced bills, 30, 42, 64, 74, 157, 185, 196, 308, 376; made motions, 66, 139, 140, 143, 158, 170, 182, 307, 337, 354, 380; moved to amend, 157, 185, 189, 192, 270, 289, 290, 304, 308, 334; moved to lay on

table, 102, 302; moved to re-consider, 76; offered resolution, 48; made reports, 51, 70, 75, 86, 87, 147, 183, 296, 306; presented petitions, 214, 237; entered protest, 373; presented memorial, 47.

**McSPADDEN, Mr.**—Introduced bills, 69, 151, 165, 196, 197, 259, 263, 279; made motions, 340; moved to amend, 100, 136, 161, 193, 245, 312, 377, 390, 391; moved to re-consider, 393; moved to lay on table, 43, 386, 390; moved to adjourn, 210, 265, 374, 382; offered resolutions, 6, 7, 10, 42, 47, 202; made reports, 65, 69, 76, 112, 139, 141, 245, 261, 291, 309, 368, 392, 394; presented petitions, 42.

**MESSAGE FROM THE GOVERNOR**—11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 40, 48, 62, 67, 95, 114, 115, 123, 150, 167, 176, 180, 201, 209, 239, 250, 251, 266, 181, 282, 295, 300, 319, 349, 370, 371, 380, 381, 396, 397, 398, 399, 401, 402.

**MESSAGE FROM THE HOUSE**—10, 29, 30, 34, 35, 39, 43, 44, 48, 51, 60, 63, 84, 85, 92, 103, 104, 109, 117, 121, 122, 123, 132, 135, 140, 149, 152, 158, 161, 164, 168, 174, 179, 186, 187, 195, 197, 205, 208, 211, 213, 235, 236, 240, 241, 244, 249, 252, 253, 254, 259, 265, 266, 269, 270, 271, 272, 273, 274, 275, 276, 277, 280, 281, 282, 283, 286, 292, 293, 302, 303, 309, 310, 214, 317, 318, 319, 323, 324, 334, 335, 343, 347, 360, 365, 376, 378, 384, 388, 389, 393, 395, 396, 399, 402.

**MITCHELL, MR.**—Introduced bills, 37, 43, 50, 53, 77, 89, 90, 126, 185, 233, 243; made motions, 188, 249, 254; moved to amend, 263, 344; moved to re-consider, 137, moved to lay on table, 284, 289, 312; moved to adjourn, 382; made reports, 109, 142, 183, 234, 235, 237, 260, 303.

**NELSON, MR.**—Introduced bills, 33, 36, 42, 50, 56, 96, 185, 212, 291, 292, 314; made motions, 234, 354; moved to lay on table, 340; moved to adjourn, 307; made report, 373; presented petitions, 196, 212.

**PATTON, MR.**—Introduced bills, 56, 68, 69, 102, 116, 166, 173, 243, 256, 285, 308, 377; made motions, 4, 7, 9, 34, 124, 163, 176, 177, 245, 343, 346, 362, 382, 386; moved to amend, 99, 138, 278, 312, 364, 375; moved to re-consider, 43; offered resolutions, 7, 31, 32, 41, 76, 92, 170; made reports, 50, 90, 91, 114, 127, 128, 129, 130, 131, 136, 147, 194, 196, 213, 343, 359, 362, 368; presented petition, 268; presented accounts, 115, 347.

**PRESIDENT, MR.**—Introduced bills, 36, 105, 207; made motions, 40, 52, 237, 261; moved to amend, 44, 122; moved

- to re-consider, 363; moved to lay on table, 45, 91, 516, 351; moved to adjourn, 386; laid before the Senate communications, 32, 33, 56, 89, 96, 97, 98, 105, 163.
- ROWE, MR.—Introduced bills, 8, 20, 33, 42, 56, 77, 105, 109, 146, 256, 300, 358; made motions, 8, 179, 249, 252, 291, 344, 375, 376; moved to amend, 115, 316, 363, 375, 385; moved to re-consider, 388; moved to lay on table, 72, 78, 171, 362; moved to adjourn, 262, 299, 313; offered resolutions, 7, 209, 309; made reports, 103, 105, 119, 133, 136, 138, 139, 183, 186, 199, 203, 259, 309, 343; presented account, 325.
- STATON, MR.—Introduced bills, 155, 193, 291; made motion, 122; moved to lay on table, 315, 316; made reports, 165, 258; presented petition, 257.
- STONE, MR.—Introduced bills, 30, 56, 69, 89, 96, 133, 173, 236, 243, 248, 279, 314; made motions, 34, 98, 196, 262, 317; moved to amend, 322, 342; moved to lay on table, 262; offered resolution, 41; made report, 63, 76, 103, 138, 165, 169, 182, 185, 198, 298, 300; presented petition, 159.
- TOULMIN, MR.—Introduced bills, 37, 46, 50, 68, 86, 96, 168, 243, 248, 263, 280, 308, 358, 376; made motions, 120, 136, 249, 368; moved to amend, 243, 245, 291; moved to lay on table, 141; offered resolution, 202; made reports, 51, 63, 83, 92, 111, 112, 182, 191, 214, 240, 359; presented memorial, 105, 196.
- WALKER, MR.—Introduced bills, 43, 74, 77, 120, 236, 308, 365, 387; made motions, 122, 134, 142, 154, 313, 333; moved to amend, 62, 72, 110, 113, 255, 350, 354; moved to re-consider, 52; moved to lay on table, 186, 289; moved the previous question, 84, 289; made reports, 39, 48, 50, 51, 54, 70, 84, 109, 111, 116, 117, 118, 134, 136, 137, 139, 160, 175, 178, 183, 234, 236, 237, 238, 240, 285, 286, 301, 334, 361, 368, 388.
- WOOD, MR.—Introduced bills, 37, 86, 90, 168, 177, 207, 322, 346; made motion, 261; moved to amend, 177, 195, 345; made report, 380; presented petition, 251.
- WOODWARD, MR.—Introduced bills, 33, 77, 155, 159, 178, 251, 275, 279, 314; offered resolutions, 140, 161, 184, 252, 254; moved to amend, 339; moved to lay on table, 334; made reports, 47, 54, 98, 99, 116, 133, 137, 165, 198, 249, 301; presented petition, 169.
- YEAS AND NAYS—35, 40, 43, 44, 45, 52, 60, 62, 63, 68, 66, 70, 71, 72, 73, 74, 78, 84, 85, 88, 89, 90, 99, 100, 102, 112, 113, 114, 116, 117, 118, 119, 120, 122, 124, 127,

134, 135, 136, 139, 141, 142, 143, 146, 149, 158, 159,  
160, 163, 164, 166, 167, 170, 174, 175, 179, 189, 191,  
194, 195, 196, 199, 203, 204, 205, 210, 213, 235, 238,  
241, 246, 252, 254, 255, 258, 261, 262, 263, 264, 265,  
266, 267, 274, 275, 278, 279, 283, 284, 285, 289, 290,  
291, 295, 299, 304, 305, 306, 307, 308, 312, 313, 314,  
315, 316, 317, 318, 320, 321, 323, 325, 334, 336, 337,  
343, 345, 346, 350, 351, 356, 357, 363, 364, 365, 368,  
369, 370, 375, 376, 377, 380, 381, 386, 487, 388, 390,  
391, 392.